United Nations E/CN.6/2008/1

Economic and Social Council

Distr.: General
13 December 2007

Original: English

Commission on the Status of Women
Fifty-second session
25 February-7 March 2008
Item 2 of the provisional agenda
Adoption of the agenda and other organizational matters

Annotated provisional agenda and proposed organization of work

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century":
   (a) Implementation of strategic objectives and action in critical areas of concern and further actions and initiatives:
      (i) Financing for gender equality and the empowerment of women;
      (ii) Evaluation of progress in the implementation of the agreed conclusions on women's equal participation in conflict prevention, management and conflict resolution, and in post-conflict peacebuilding;
   (b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men;
   (c) Gender mainstreaming, situations and programmatic matters.
4. Communications concerning the status of women.
5. Follow-up to Economic and Social Council resolutions and decisions.
6. Provisional agenda for the fifty-third session of the Commission.
7. Adoption of the report of the Commission on its fifty-second session.

07-64309 (E) 080108

Annotations

1. Election of officers

In accordance with rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council, and pursuant to Council resolution 1987/21 and decision 2002/234, the Commission on the Status of Women, at the first meeting of its fifty-second session on 9 March 2007, elected, by acclamation, Olivier Belle (Belgium) as Chairperson, and Ara Margarian (Armenia), Enna Park (Republic of Korea) and Julio Peralta (Paraguay) as Vice-Chairpersons of the fifty-second and fifty-third sessions of the Commission.[1] The Commission will approve the nomination of one candidate to fill the pending vacancy on the Bureau.

The Commission will appoint three candidates to fill the pending vacancies on the Working Group on Communications on the Status of Women established in accordance with Economic and Social Council resolution 1983/27.

2. Adoption of the agenda and other organizational matters

Rule 7 of the rules of procedure provides that the Commission shall, at the beginning of each session, adopt the agenda of that session on the basis of the provisional agenda.

The provisional agenda and documentation for the fifty-second session of the Commission were approved by the Economic and Social Council in its decision 2007/239.

Preparations for the fifty-second session of the Commission were undertaken in accordance with its agreed conclusions 1996/1 on methods of work and Economic and Social Council resolution 2006/9. Accordingly, the Bureau of the Commission held several meetings as well as informal briefings and consultations with all interested delegations to consider the organization and methods of work for the session.

Following practice, statements delivered by representatives of delegations of members and observers of the Commission during general discussions shall be limited to five minutes, and statements made on behalf of groups of delegations to 10 minutes. It is also recommended that interventions from non-governmental organizations be integrated into the general debate and the thematic panel discussions, taking into consideration geographical balance.

[1] The list of members of the Commission at its fifty-second session is contained in annex II to the present document.

3. Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century"

(a) Implementation of strategic objectives and action in critical areas of concern and further actions and initiatives

High-level round table

In its decision 46/101, the Commission decided that, starting from its forty-seventh session, it would introduce the option of high-level round tables, and it authorized the Bureau, after consultation with all interested members of the Commission through the regional groups, to decide on the number, timing and theme of such round tables.

In its resolution 2006/9, the Economic and Social Council further decided that the annual interactive high-level round table would focus on experiences, lessons learned and good practices, including results with supporting data, where available, in relation to the implementation of previous commitments made with regard to the priority theme.

The high-level round table, at the fifty-second session, will focus on financing for gender equality and the empowerment of women.

Documentation

Note by the Bureau of the Commission on the Status of Women: discussion guide on the high-level round table on financing for gender equality and the empowerment of women (E/CN.6/2008/CRP.3)

Priority theme

In its resolution 2006/9, the Economic and Social Council endorsed the Commission's proposed future organization and methods of work. Accordingly, at its fifty-second session, the Commission will consider the theme "Financing for gender equality and the empowerment of women". The report of the Secretary-General will be before the Commission.

Documentation

Report of the Secretary-General on financing for gender equality and the empowerment of women (E/CN.6/2008/2)

(b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men

In its resolution 2006/9, the Economic and Social Council requested the Bureau of the Commission on the Status of Women, prior to each session, to identify, in consultation with all States, through their regional groups, an emerging issue for consideration by the Commission, taking into account developments at the global and regional levels as well as planned activities within the United Nations, where increased attention to gender perspectives was required.

Following consultation, the Bureau decided that the Commission would hold an interactive expert panel on the emerging issue theme "Gender perspectives on climate change".

(c) Gender mainstreaming, situations and programmatic matters

Progress in mainstreaming a gender perspective in the development, implementation and evaluation of national policies and programmes, with a particular focus on the priority theme

The Economic and Social Council requested the Secretary-General to submit to the Commission, on an annual basis, a report on progress made in mainstreaming a gender perspective in the development, implementation and evaluation of national policies and programmes, with a particular focus on the priority theme (Council resolution E/2006/9).

Situation of and assistance to Palestinian women

In its resolution 2007/7 on the situation of and assistance to Palestinian women, the Economic and Social Council requested the Commission to continue to monitor and take action with regard to the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, the Beijing Platform for Action and the outcomes of the twenty-third special session of the General Assembly. It also requested the Secretary-General to continue to review the situation, to assist Palestinian women by all available means and to submit to the Commission at its fifty-second session a report, including information provided by the Economic and Social Commission for Western Asia, on the progress made in the implementation of that resolution.

Joint workplan on the human rights of women

In accordance with resolution 39/5 of the Commission on the Status of Women and resolutions 1997/43 and 2005/42 of the Commission on Human Rights, the Commission on the Status of Women will have before it a report on the joint workplan of the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights.

Violence against women

In resolution 50/166 on the role of the United Nations Development Fund for Women (UNIFEM) in eliminating violence against women, the General Assembly requested UNIFEM to include in its regular reports information on the establishment of a trust fund in support of national, regional and international actions to eliminate violence against women and to provide such information to the Commission on the Status of Women and the (former) Commission on Human Rights.

Convention on the Elimination of All Forms of Discrimination against Women

In accordance with article 21.2 of the Convention on the Elimination of All Forms of Discrimination against Women, the reports of the Committee on the Elimination of Discrimination against Women are transmitted to the Commission for information. The report of the Committee on its thirty-seventh, thirty-eighth and

thirty-ninth sessions[2] and a note by the Secretariat transmitting the results of the Committee's fortieth session will be before the Commission.

Ending female genital mutilation

In its resolution 51/2, the Commission requested the Secretary-General to report to the Commission on the Status of Women at its fifty-second session on the implementation of the resolution by using information provided by Member States and verifiable information provided by organizations and bodies of the United Nations system and by non-governmental organizations, with a view to assessing the impact of the resolution on the well-being of girls.

Forced marriage of the girl child

In its resolution 51/3, the Commission recognized that early marriage and early childbearing continued to be impediments to improvements in the educational, economic and social status of women in all parts of the world, and that early motherhood could severely curtail their educational and employment opportunities and was likely to have a long-term, adverse impact on the quality of their lives and the lives of their children. The Commission requested the Secretary-General to report to the Commission on the Status of Women at its fifty-second session on the implementation of the resolution.

Women and children taken hostage, including those subsequently imprisoned, in armed conflicts

At its fiftieth session, in resolution 50/1, the Commission on the Status of Women had expressed its strong belief that the rapid and unconditional release of women and children taken hostage in areas of armed conflict would promote the implementation of the Beijing Platform for Action and the outcome documents of the twenty-third special session of the General Assembly. In addition, the Commission requested the Secretary-General to submit to the Commission at its fifty-second session a report on the implementation of the resolution, including relevant recommendations, taking into account the information provided by States and relevant international organizations.

Programme questions

The Commission on the Status of Women has before it for its consideration a note by the Secretary-General on the preparation of the strategic framework for the period 2010-2011, comprising Part one: plan outline and Part two: biennial programme plan. The Commission on the Status of Women is invited to review the proposed biennial programme plan for gender equality and the empowerment of women and provide its comments to the Secretary-General. The proposed biennial programme plan, modified as appropriate, will be submitted to the Committee for Programme and Coordination at its forty-eighth session. Its recommendations thereon will be transmitted to the General Assembly at its sixty-third session when it considers the Secretary-General's proposed Strategic Framework for the biennium 2010-2011.

[2] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 38* (A/62/38).

Documentation

Report of the Secretary-General on ending female genital mutilation (E/CN.6/2008/3)

Report of the Secretary-General on forced marriage of the girl child (E/CN.6/2008/4)

Report of the Secretary-General on progress in mainstreaming a gender perspective in the development, implementation and evaluation of national policies and programmes, with a particular focus on financing for gender equality and the empowerment of women (E/CN.6/2008/5)

Report of the Secretary-General on the situation of and assistance to Palestinian women (E/CN.6/2008/6)

Report of the Secretary-General on release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts (E/CN.6/2008/7)

Report on the joint workplan of the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights (E/CN.6/2008/8)

Note by the Secretary-General transmitting the report of the United Nations Development Fund for Women on the activities of the Fund to eliminate violence against women (E/CN.6/2008/9)

Note by the Secretary-General on the strategic framework for the biennium 2010-2011: subprogramme 2, Gender issues and advancement of women (E/CN.6/2008/CRP.4)

Documents for information

Report of the Committee on the Elimination of Discrimination against Women on its thirty-seventh, thirty-eighth and thirty-ninth sessions[2]

Note by the Secretariat transmitting the results of the fortieth session of the Committee on the Elimination of Discrimination against Women (E/CN.6/2008/CRP.1)

4. Communications concerning the status of women

In its resolution 76 (V), the Economic and Social Council established a procedure by which the Commission would receive and consider communications relating to the status of women. In its resolution 304 I (XI), the Council amended resolution 76 (V) and requested the Secretary-General to compile, before each session of the Commission, a list of confidential and non-confidential communications, containing a brief indication of the substance of each communication.

In its resolution 1983/27, the Council reaffirmed the mandate of the Commission to consider confidential and non-confidential communications on the status of women and authorized the Commission to appoint a working group to consider such communications and prepare a report thereon for the Commission.

In its resolution 1993/11, the Council reaffirmed that the Commission was empowered to make recommendations to the Council on what action should be taken on emerging trends and patterns of discrimination against women revealed by such communications.

In its decision 2002/235, the Council decided, in order to make the communications procedure of the Commission more effective and efficient:

(a) That the Commission, starting at its forty-seventh session, should appoint, at each session, the members of the Working Group on Communications on the Status of Women for the next session so that the members would be able to meet to enable the Secretariat to issue their report three working days before the adoption of the agenda by the Commission;

(b) To request the Secretary-General:

(i) To inform Governments about each communication pertaining to them that would be considered by the Commission and give them at least 12 weeks before the consideration of such communications by the Working Group;

(ii) To ensure that the members of the Working Group receive in advance the lists of communications, including replies from Governments, if any, to be taken into account in preparing its report for examination by the Commission.

At the 14th meeting on 10 March 2006 of its fiftieth session, the Commission decided to postpone until its fifty-second session further consideration of the report of the Secretary-General on the future work of the Working Group on Communications on the Status of Women (E/CN.6/2004/11 and Add.1 and 2) and the different views and proposals put forward by Member States during the debate on the item at its forty-eighth session in 2004.

At its 13th meeting, on 9 March 2007, the Commission appointed Ivana Kožar (Croatia) and Carlos Enrique García González (El Salvador) to serve on the Working Group for the fifty-second session of the Commission. The appointment of the remaining three members of the Working Group was deferred to the fifty-second session. At the same meeting, the Commission decided that upon their nomination by their respective regional groups, candidates for membership in the Working Group would be permitted to participate fully in the work of the Working Group for the fifty-second session.

Documentation

Note by the Secretary-General transmitting the list of confidential communications concerning the status of women (E/CN.6/2008/SW/COMM.LIST/42/R)

Note by the Secretary-General transmitting the list of confidential communications concerning the status of women (E/CN.6/2008/SW/COMM.LIST/42/Add.1/R)

Report of the Secretary-General on the future work of the Working Group on Communications on the Status of Women (E/CN.6/2004/11 and Add.1 and 2)

5. Follow-up to Economic and Social Council resolutions and decisions

The Commission will have before it a letter from the President of the Economic and Social Council on follow-up to the Council's policy recommendations.

In accordance with Economic and Social Council resolution 2001/27, functional commissions were invited to provide concise, action-oriented input to the Council's annual high-level segment. The Commission will have before it a note by the Secretariat as an input to the 2008 high-level segment of the Council.

Documentation

Letter dated 13 November 2007 from the President of the Economic and Social Council to the Chairperson of the Commission on the Status of Women (E/CN.6/2008/10); letter dated 22 October 2007 from the President of Economic and Social Council to the Chairperson of the Commission on the Status of Women (E.CN.6/2008/10, annex II)

Note by the Secretariat on implementing the internationally agreed goals and commitments in regard to sustainable development (E/CN.6/2008/CRP.2)

6. Provisional agenda for the fifty-third session of the Commission

In accordance with rule 9 of the rules of procedure of the functional commissions of the Council, the Commission will have before it a draft provisional agenda for its fifty-third session, including the list of documents to be submitted for its consideration.

7. Adoption of the report of the Commission on its fifty-second session

In accordance with rule 37 of the rules of procedure of the functional commissions of the Council, the Commission shall submit to the Council a report on the work of its fifty-second session.

Annex I

Proposed organization of work

Date/time	*Agenda item*	*Programme*
Monday, 25 February		
10 a.m.	1. Election of officers	Approval of the nominees to the Bureau and membership in the Working Group on Communications on the Status of Women
	2. Adoption of the agenda and other organizational matters	
	3. Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century"	Introduction of reports General discussion
3 p.m.	3 (a) (i). Implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: financing for gender equality and the empowerment of women	High-level round table on experiences, lessons learned and good practices, including results with supporting data, where available, in relation to the implementation of previous commitments made with regard to the priority theme
Tuesday, 26 February		
10 a.m.	3 (a) (i). Implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: financing for gender equality and the empowerment of women	Interactive expert panel on key policy initiatives on financing for gender equality and the empowerment of women
3 p.m.	3 (c). Gender mainstreaming, situations and programmatic matters	An interactive expert panel on capacity-building on mainstreaming a gender perspective in the development, implementation and evaluation of national policies and programmes for financing for gender equality and the empowerment of women

Date/time	*Agenda item*	*Programme*
Wednesday, 27 February		
10 a.m.	3 (*continued*)	General discussion
1 p.m.	(Panel event in the margins)[a]	Panel on "The equal sharing of responsibilities between women and men, including caregiving in the context of HIV/AIDS" (2 hours)
3 p.m.	3 (*continued*)	General discussion
Thursday, 28 February		
10 a.m.	3 (*continued*)	General discussion
1 p.m.	(Panel event in the margins)[a]	Joint panel with the Statistics Commission on indicators on violence against women
3 p.m.	Item 3 (b). Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men	Interactive expert panel on the theme "Gender perspectives on climate change"
Friday, 29 February		
10 a.m.	3 (a) (ii). Implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: evaluation of progress in the implementation of the agreed conclusions on women's equal participation in conflict prevention, management and conflict resolution, and in post-conflict peacebuilding	Interactive dialogue to evaluate progress in the implementation of the agreed conclusions on "women's participation in conflict prevention, management and conflict resolution and in post-conflict peacebuilding"
3 p.m.	3 (a) (i) (*continued*)	Informal consultations (Agreed conclusions)
Monday, 3 March		
10 a.m.	3 (a) (i) (*continued*)	Informal consultations (Agreed conclusions)
3 p.m.	3 (*continued*)	Informal consultations

Date/time	*Agenda item*	*Programme*
Tuesday, 4 March		
10 a.m.	3 (a) (i) (*continued*)	Informal consultations (Agreed conclusions)
3 p.m.	3 (*continued*)	Informal consultations
	3 (*continued*)	
Wednesday, 5 March		
10 a.m.-12 noon	4. Communications concerning the status of women	Future work of the Working Group on Communications on the Status of Women
12 noon-1 p.m.	5. Follow-up to Economic and Social Council resolutions and decisions	
3 p.m.	4. Communications concerning the status of women	Closed meeting to consider the report of the Working Group on Communications on the Status of Women
	3 (a) (i) (*continued*)	Introduction of draft proposals
Thursday, 6 March		
10 a.m.-12 noon	(Commemorative event)[a]	Observance of International Women's Day (2 hours)
12 noon-1 p.m.	3 (*continued*)	Informal consultations (Agreed conclusions)
3 p.m.	3 (*continued*)	Action on draft proposals
	3 (a) (i) (*continued*)	Informal consultations
Friday, 7 March		
10 a.m.	3 (*continued*)	Action on draft proposals
	6. Provisional agenda of the fifty-third session of the Commission	Consideration of the draft provisional agenda of the fifty-third session of the Commission
3 p.m.	7. Adoption of the report of the Commission on its fifty-second session	Adoption of the report
		Closure of the session

[a] Informal events to be held on the margin of the fifty-second session of the Commission.

Annex II

Membership of the Commission on the Status of Women at its fifty-second session (2008)

(45 members; four-year term)

Membership	*Term expires at close of session in the year*
Armenia	2011
Azerbaijan	2011
Belgium	2011
Belize	2009
Brazil	2011
Cambodia	2011
Cameroon	2010
China	2008
Croatia	2009
Djibouti	2010
Dominican Republic	2008
Ecuador	2010
El Salvador	2008
Gabon	2011
Germany	2009
Ghana	2008
Hungary	2008
Iceland	2008
Indonesia	2010
Iran (Islamic Republic of)	2010
Japan	2009
Kazakhstan	2008
Lesotho	2010
Malaysia	2010
Mali	2009

Membership	*Term expires at close of session in the year*
Mauritius	2008
Mexico	2010
Morocco	2009
Namibia	2011
Netherlands	2009
Niger	2011
Pakistan	2011
Paraguay	2011
Peru	2009
Qatar	2009
Republic of Korea	2010
Spain	2011
Suriname	2008
Togo	2010
Turkey	2011
United Arab Emirates	2010
United Kingdom of Great Britain and Northern Ireland	2009
United Republic of Tanzania	2009
United States of America	2008
Zambia	2010

United Nations E/CN.6/2008/2

Economic and Social Council

Distr.: General
17 December 2007

Original: English

Commission on the Status of Women
Fifty-second session
25 February-7 March 2008
Item 3 (a) of the provisional agenda*
Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in critical areas of concern, and further actions and initiatives

Financing for gender equality and the empowerment of women

Report of the Secretary-General

Summary

The present report has been prepared in accordance with the programme of work of the Commission on the Status of Women for 2007-2009, which identified "Financing for gender equality and the empowerment of women" as the priority theme for the fifty-second session. It analyses the current situation of financing for gender equality and the empowerment of women and proposes recommendations for consideration by the Commission.

* E/CN.6/2008/1.

07-64780 (E) 090108

Contents

		Paragraphs	*Page*
I.	Introduction	1–4	3
II.	Background	5–15	3
III.	Monterrey Consensus	16–54	5
IV.	Innovative sources	55–58	14
V.	Financing critical stakeholders	59–67	15
VI.	Measurement challenges	68–82	16
VII.	Conclusions and recommendations	83–88	19

I. Introduction

1. The Commission on the Status of Women will consider "Financing for gender equality and the empowerment of women" as the priority theme at its fifty-second session, within its agreed programme of work for 2007-2009 (Economic and Social Council resolution 2006/9, para. 23 (b)).

2. To assist the Commission in its deliberations, the Division for the Advancement of Women organized an online discussion from 18 June to 15 July 2007[1] and an Expert Group Meeting, held in Oslo from 4 to 7 September 2007.[2]

3. The present report provides an analysis of the current situation of progress made and remaining gaps and challenges in financing for gender equality and the empowerment of women, and proposes recommendations for consideration by the Commission.

4. The Commission also has before it a report on progress in mainstreaming a gender perspective in the development, implementation and evaluation of national policies and programmes, with a particular focus on the priority theme (E/CN.6/2008/5).

II. Background

5. At the Millennium Summit in 2000, Governments committed to promoting gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable (General Assembly resolution 55/2, para. 20). During the 2005 World Summit, Heads of State and Government reaffirmed their commitment to the full and effective implementation of the goals and objectives of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, as an essential contribution to achieving the internationally agreed development goals, including those contained in the Millennium Declaration (General Assembly resolution 60/1, para. 58).

Global commitments

6. Commitments on financing for gender equality and women's empowerment have been made by Governments, including at the Fourth World Conference on Women, in 1995, the twenty-third special session of the General Assembly, in 2000, the Millennium Summit, in 2000, and the International Conference on Financing for Development, in 2002. In the Platform for Action, adopted at the Fourth World Conference on Women, it was emphasized that funding had to be identified and mobilized from all sources and across all sectors.[3] Governments, holding the primary responsibility for implementing the strategic objectives of the Platform for

[1] Online discussion report: "Financing for gender equality and the empowerment of women", September 2007.

[2] Report of the United Nations Expert Group Meeting on financing for gender equality and the empowerment of women, December 2007 (EGM/FFGE/2007/REPORT).

[3] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 345.

Action, should make efforts to systematically review how women benefit from public sector expenditures, adjust budgets to ensure equality of access to public sector expenditures and achieve the gender-related commitments made in other United Nations summits and conferences.[4]

7. The Platform for Action noted that sufficient resources should be allocated to national machineries for the advancement of women as well as to all institutions, as appropriate, that can contribute to the implementation and monitoring of the Platform.[5] This was reiterated by the General Assembly at its twenty-third special session, which also urged Governments to explore innovative funding schemes, so that gender mainstreaming is integrated into all policies, programmes and projects (General Assembly resolution S-23/3, annex, para. 76 (c)).

8. Strengthening national capacities in developing countries to implement the Platform for Action would require striving for the fulfilment of the agreed target of 0.7 per cent of the gross national product (GNP) of developed countries for overall official development assistance (ODA) as soon as possible, as well as increasing the share of funding for activities designed to implement the Platform for Action.[6] In the Millennium Declaration, concern was expressed about the obstacles developing countries face in mobilizing the resources needed to finance their sustained development, and called on industrialized countries to grant more generous development assistance, especially to countries that are genuinely making an effort to apply their resources to poverty reduction (General Assembly resolution 55/2, paras. 14-15).

9. At its twenty-third special session, the General Assembly called upon Governments to incorporate a gender perspective into the design, development, adoption and execution of all budgetary processes, as appropriate, in order to establish adequate budgetary allocations to support gender equality and development programmes that enhance women's empowerment, and to develop the necessary analytical and methodological tools and mechanisms for monitoring and evaluation (General Assembly resolution S-23/3, annex, para. 73 (b)).

10. In addition to more general calls for resources for gender equality and women's empowerment, including through a specific chapter on Financial arrangements, the Platform for Action outlined the need for resources to achieve the strategic objectives relating to each critical area of concern. In subsequent agreed conclusions of the Commission on the Status of Women and resolutions of other intergovernmental bodies, including the General Assembly, there have also been calls for allocation of resources for the promotion of gender equality in specific areas.

11. In the Monterrey Consensus, adopted at the International Conference on Financing for Development, the importance of a holistic approach to the interconnected national, international and systemic challenges of financing for development, that is, sustainable, gender-sensitive and people-centred development, was highlighted.[7]

---

[4] Ibid., para. 346.

[5] Ibid., para. 347.

[6] Para. 353.

[7] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (A/CONF.198/11), chap. I, resolution 1, annex, para. 8.

Implementation of global commitments

12. There has been limited assessment of resource allocations to translate global commitments on gender equality and women's empowerment into action at the national level. It has been estimated that the financing gap for achieving Goal 3 of the Millennium Development Goals — promote gender equality and empower women — in low-income countries, ranged from $8.6 billion in 2006 to $23.8 billion in 2015.[8]

13. The costs of persistent gender inequality also need to be explicitly highlighted and addressed. Missing the Millennium Development Goal 3 target could result in countries having 0.1-0.3 percentage points lower per capita growth rates.[9] Estimates show that the Asia and Pacific region is losing $42 billion to $47 billion annually because of women's limited access to employment opportunities, and another $16 billion to $30 billion annually as a result of gender gaps in education.[10]

14. The economic gains from gender equality and women's empowerment need to be highlighted. Global leaders at the 2005 World Summit acknowledged that "progress for women is progress for all" (General Assembly resolution 60/1, para. 58). Increasing resources for gender equality and women's empowerment would contribute significantly to the achievement of all other development goals, including the Millennium Development Goals. Investing in women and girls has a multiplier effect on productivity, efficiency and sustained economic growth. As the World Bank's new Gender Action Plan explains, "the business case for expanding women's economic opportunities is becoming increasingly evident; this is nothing more than smart economics".[11]

15. The 10-year review of the implementation of the Platform for Action indicated a significant gap between policy and practice in many countries. In the Declaration adopted by the Commission on the Status of Women at its forty-ninth session, Member States pledged to undertake further action to ensure full and accelerated implementation.[12] Lack of resources is one key obstacle to effective implementation at national level.

III. Monterrey Consensus

16. In the Monterrey Consensus, Heads of State and Government resolved to address the challenges of financing for development, particularly in developing countries, and committed to mobilizing and increasing the effective use of financial

[8] Caren Grown, and others, "The financial requirements of achieving gender equality and women's empowerment", paper prepared for the World Bank (April 2006), p. 3.

[9] Dina Abu-Ghaida and Stephan Klasen (2004), "The costs of missing the Millennium Development Goal on gender equity", *World Development* (July 2004), vol. 32, Issue 7, p. 1096.

[10] *Economic and Social Survey of Asia and the Pacific 2007: Surging Ahead in Uncertain Times* (United Nations publication, Sales No. E.07.II.F.4), p. 103.

[11] "Gender equality as smart economics: A World Bank Group Gender Action Plan (Fiscal years 2007–10)" (September 2006), p. 2.

[12] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27-E/CN.6/2005/11 and Corr.1), chap. I.A.

resources and achieving the national and economic conditions needed to fulfil internationally agreed development goals.[13]

17. The importance of gender equality for realization of good governance and sound economic policies was noted, as was the need to empower women in the context of appropriate national policy and regulatory frameworks.[14] Gender-sensitive investments in basic social and economic infrastructure, microcredit for women, and business frameworks that are sensitive to the gender implications of their undertakings were called for in the Monterrey Consensus.[15]

18. The upcoming Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, to be held in Qatar in 2008, provides an opportunity to promote policy recommendations to achieve coherence between macroeconomic policies and the internationally agreed goals on gender equality.

19. The following section provides a brief overview of the gender perspectives on the six core areas of action in the Monterrey Consensus.

A. Mobilizing domestic financial resources for development

20. In the Monterrey Consensus it was acknowledged that an enabling domestic environment was vital for mobilizing domestic resources.[16] Gender perspectives need to be identified and addressed in a number of key areas, including employment generation, microfinance and credit and pension schemes, to ensure that macroeconomic policies are conducive to gender equality and women's empowerment and that sufficient domestic resources are mobilized. The critical need for reinforcing national efforts in building capacity for gender budget policies was reiterated in the Consensus.[17] This is an area where there has been considerable progress since 2002.

21. In the Monterrey Consensus Heads of State and Government recognized the need to pursue sound macroeconomic policies aimed at sustaining high rates of economic growth, full employment, poverty eradication, price stability and sustainable fiscal and external balances to ensure that the benefits of growth reach all people, especially the poor.[18] Focusing on price stability through strict fiscal policies, however, restrains public expenditures, and may lead to cutbacks in essential public services, which may further disproportionately affect women and girls.

22. Employment generation has received increasing attention as a crucial mechanism for domestic resource mobilization (see General Assembly resolution 60/1, para. 24 (a)). Women make significant contributions to economic development and poverty eradication through both remunerated and unremunerated work. Appropriate policies and credit targeting, particularly to labour-intensive small and medium-sized enterprises, are essential for facilitating women's employment.

[13] Paras. 1 and 3.
[14] Paras. 11 and 12.
[15] Paras. 16, 18 and 23.
[16] Para. 10.
[17] Para. 19.
[18] Para. 14.

Increasing public investment in infrastructure, such as roads and the water supply, can reduce women's time burdens and enable them to participate in the paid labour force.[19]

23. The important role of microfinance and credit for enterprises, including in rural areas, particularly for women, for enhancing the social and economic impact of the financial sector was recognized in the Monterrey Consensus.[20] Reviews of the implementation of the Platform for Action, undertaken in 2000 and 2005 (see E/CN.6/2000/PC/2 and E/CN.6/2005/2, respectively), demonstrated the positive impact of credit, especially microcredit, on women's empowerment, while acknowledging the limited coverage and amount of credit available to women. It is estimated that 3,164 microcredit institutions reached 92 million clients in 2004. Of the poorest clients, 83.5 per cent (55.6 million) were women.[21] Credit programmes need to be carefully designed to benefit women. Programmes are not empowering for women if they reinforce gender stereotypes within households and communities[22] or increase their work burdens.[23] Situations where women have limited control over their income, or where their contribution to the household income substitutes those of male household members, can be disempowering.[23]

24. Proposals to reform social security systems, including through privatization, need to be assessed from a gender perspective to ensure that they do not adversely impact women who tend to have shorter work histories in the formal sector, because of interruptions for child care and early retirement as well as lower wages. As women contribute less to the pension system than men, they are likely to earn smaller pensions.[24]

25. Public finance reforms to improve efficiency, transparency and accountability in budget processes, through more efficient collection of revenues and targeting of expenditures, has led to a shift away from line-item budgeting focused on inputs to performance-based budgeting oriented towards outputs and outcomes.[25] That trend offers opportunities to make budget processes more gender-responsive through the introduction of gender equality output and outcome indicators. The emphasis on monitoring and accountability provides an enabling environment for increasing resource allocation to gender equality.[26]

26. Over the past decade, gender-responsive budgeting initiatives have been launched in more than 50 countries to promote change in budget policies,

---

[19] Stephanie Seguino, "Financing gender equality: macroeconomic policies for leveraging resources", paper prepared for the presentation to the Second Committee of the General Assembly on "Financing for gender equality" (2007), p. 2.

[20] Para. 18.

[21] Sam Daley-Harris, *State of the Microcredit Summit Campaign Report 2005*, Microcredit Summit Campaign (Washington, D.C.), p. 1.

[22] M. Floro and others, 2004, "Gender issues and concerns in financing for development", INSTRAW Occasional Paper, No. 3 (April 2004), p. 16.

[23] L. Mayoux, 2002, "Microfinance and women's empowerment: Rethinking 'best practice'", *Development Bulletin*, No. 57, Development Studies Network, p. 76.

[24] World Bank (2004), "Gender-differentiated impacts of pension reform", in *PREM Notes: Gender*, No. 85 (April 2004), p. 1.

[25] Rhonda Sharp, *Budgeting for equity: Gender budgeting initiatives within a framework of performance oriented budgeting* (New York, UNIFEM, 2003), p. 1.

[26] Report of the United Nations Expert Group Meeting on financing for gender equality and the empowerment of women.

allocations and outcomes. Many initiatives have involved the analysis of budgets but there has been less emphasis on implementation. An increasing number of initiatives utilize tools, such as budget speeches, budget call circulars and budget guidelines, to assist in the formulation and implementation of gender-responsive budgets.[27]

27. Gender-responsive budget initiatives have mainly focused on expenditure, with limited attention to the revenue side of budgets. Tax systems can perpetuate gender inequalities. As taxes affect wages and disposable income, they can influence how women and men allocate their time to formal, informal and unpaid work.[28] For example, joint filing in income tax systems — with higher tax rates on higher incomes — is found to discourage women's participation in the labour market.[29] Indirect taxes, such as value-added tax or excise taxes, can put a greater burden on poor women because women tend to consume goods and services that benefit family health, education and nutrition.[30]

28. The success of budget initiatives is dependent on the active involvement and collaboration of a range of stakeholders, including ministries of finance and planning, national mechanisms for the advancement of women, parliamentarians, bilateral and multilateral donors, research bodies and women's organizations.[31]

29. Challenges in implementing gender-responsive budgets include limited dialogue between ministries of finance, national machineries for the advancement of women and other critical stakeholders; lack of methodologies, tools and expertise; and the limited availability of sex-disaggregated data in many areas. Development of indicators and collection of data disaggregated by sex are crucial for measurement of progress in allocating domestic resources.

B. Mobilizing international resources for development

30. Private international capital flows, particularly foreign investment, are vital complements to national and international development efforts.[32] The challenge in creating the necessary domestic and international conditions to facilitate direct investment flows conducive to achieving national development priorities in developing countries was acknowledged in the Monterrey Consensus.[32] Capital inflows and foreign direct investment have the potential to increase financing for gender equality and women's empowerment if the implications for gender equality are taken into account in policies and regulations.

---

[27] Debbie Budlender (2007), "Gender-responsive call circulars and gender budget statements", *Guidance sheet series*, No. 1 (January 2007), produced by UNIFEM Gender Responsive Budgeting Programme.

[28] Kathleen Barnett and Caren Grown (2004), "*Gender Impact of Government Revenue Collection: the Case of Taxation*" (London, Commonwealth Secretariat, 2004), p. 20.

[29] Diane Elson (2006), *Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW* (New York, UNIFEM, 2006), pp. 79-80.

[30] Barnett, Grown and others, op. cit., p. 40.

[31] Debbie Budlender, "Gender-responsive budgets in the Commonwealth, progress report: 2005-2007" (2007), paper prepared by the Social Transformation Programme Division, Commonwealth Secretariat, Commonwealth Finance Ministers Meeting, Georgetown, 15-17 October 2007, p. 7.

[32] Para. 20.

31. Foreign direct investment can increase employment for women in the formal sector, including in export processing zones, as well as the informal sectors, through sub-contracting or home-based work.[33] Competition to attract foreign direct investment may lead to a weakening of labour standards, particularly in export processing zones, which can be disempowering for women.[34] Female workers generally have lower bargaining power over their wages and working conditions.

32. Diaspora associations have emerged as a mechanism for financing for gender equality and women's empowerment. The economic, political and social connections that diasporas maintain with their countries of origin make them a potential source of financing gender-responsive poverty reduction and economic development in countries of origin.[35]

33. Diaspora engagement takes many forms, including "home town associations", where residents of the same town or village provide social and economic support to their places of origin.[36] Some associations also pool remittances in support of a particular community or intervention in the country of origin.

C. International trade as an engine for development

34. At its twenty-third special session, the General Assembly called upon Governments and other relevant actors to take measures to alleviate the negative effects on women associated with structural adjustment programmes and trade liberalization and the disproportionate burden borne by women living in poverty (General Assembly resolution S-23/3, annex, para. 101 (h)). In the Monterrey Consensus, Governments reaffirmed their commitment to trade liberalization and to ensuring that trade played its full part in promoting economic growth, employment and development for all.[37] The Consensus did not give attention to the differential impact of trade on women and men.

35. The consequences for gender equality of the focus on market access and lack of attention to the impact of import liberalization on livelihoods have been raised.[38] Trade policies can have diverse effects on financial resources for gender equality creating both opportunities and constraints through its impact on employment, income and prices. Such policies can create employment opportunities for women in countries that export labour-intensive manufactured goods, but may also lead to unemployment of women if falls in import prices force local industries to shut down or lay off workers.[39]

---

[33] Day of dialogue on gender and finance for development, United Nations, 25 February 2002.

[34] Floro and others (2004), op. cit., p. 19.

[35] Department for International Development, *Moving out of poverty — making migration work better for poor people* (March 2007), p. 21.

[36] Migration Policy Institute, "Beyond Remittances: The Role of Diaspora in Poverty Reduction in their Countries of Origin" (July 2004), p. 14

[37] Para. 26

[38] Mariama Williams (2007), "Financing for gender equality and the empowerment of women: Some theoretical and practical issues from a trade and macroeconomic policies perspective", expert paper prepared for the United Nations Expert Group Meeting (EGM/FFGE/2007/EP.15), p. 5.

[39] *1999 World Survey on the Role of Women in Development: Globalization, Gender and Work* (United Nations publication, Sales No. E.99.IV.8), pp. 12-13.

36. At the same time, the removal of tariffs and other trade barriers can reduce Government revenues, leading to cuts in social spending or increases in excise taxes, with adverse consequences for household budgets, and disproportionate impact on women.[40]

D. Increasing international financial and technical cooperation for development

Bilateral assistance

37. In the Monterrey Consensus it was recognized that a substantial increase in development assistance and other resources was required, if developing countries were to achieve internationally agreed development goals and objectives.[41] Developed countries that had not done so were urged to make concrete efforts towards the target of 0.7 per cent of GNP and developing countries were encouraged to use ODA effectively to help achieve development goals and targets.[42]

38. Development cooperation is a critical mechanism for financing gender equality and women's empowerment. From 2001 to 2005, only $5 billion of a total $20 billion in bilateral aid allocated to specific sectors focused on activities that had gender equality as a principal or significant objective. Two thirds of that funding was directed to the social sectors, mainly health and education, and limited funds were allocated to promoting gender equality in areas such as agriculture, infrastructure or finance.[43] Among the countries that reported on the Organization for Economic Cooperation and Development-Development Assistance Committee (OECD-DAC) gender equality policy marker for the period 2004-2005, the percentage of aid focused on gender equality in 2005 ranged from 1 per cent to 82 per cent.[44]

39. A survey of OECD-DAC members indicated that, while most of OECD-DAC members have gender equality policies, not all allocate sufficient staff and financial resources for implementation. Most donor agencies have less than 10 staff in their central gender units and few have gender advisers in other sectoral units.[45] Only three agencies included gender-related actions in most of their country strategies and programmes.[46]

40. In recent years, there has been a shift in aid modalities. Sector budget support and general budget support are increasingly preferred mechanisms for aid delivery. Most agencies reported, however, spending less than half of their bilateral aid expenditures on programme-based approaches.[47]

---

[40] Mariama Williams, loc. cit., p. 6.

[41] Para. 41.

[42] Para. 42.

[43] OECD-DAC secretariat (2007), "Aid to support gender equality, 2001-2005" (Paris, January 2007).

[44] ——— (2007), Aid in support of Gender Equality and Women's Empowerment, Statistics based on DAC Members' reporting on the Gender Equality Policy Maker, 2004-2005.

[45] OECD (2007), Gender equality and aid delivery: what has changed in development co-operation agencies since 1999? (Paris, 2007), pp. 20-21.

[46] Ibid., p. 28.

[47] Ibid., p. 15.

41. Challenges related to new aid modalities include lack of expertise and tools for incorporating gender perspectives into programme-based approaches among donor agency staff;[48] failure to establish effective collaboration between national machineries and ministries of finance; and lack of sex-disaggregated data.

42. Successful strategies by donors to overcome these challenges have included partnering with local civil society organizations to strengthen demand for gender equality actions; promoting the development of gender action plans; working with other donors to make poverty reduction strategies and sector-wide plans more gender-responsive; using policy dialogue as a mechanism for addressing gender equality issues; and supporting gender-responsive budget initiatives.[49]

43. The biennial Development Cooperation Forum (see General Assembly resolutions 60/1 and 61/16), to be convened by the Economic and Social Council, will review trends in international development cooperation, including strategies, policies and financing; promote greater coherence among the development activities of different development partners; and strengthen the links between the normative and operational work of the United Nations. This provides an opportunity to promote gender equality and women's empowerment in development cooperation.

44. Reform of the way aid is delivered and managed is also under way. The Paris Declaration on Aid Effectiveness acknowledged that harmonization efforts are needed on cross-cutting issues, such as gender equality and other thematic issues including those financed by dedicated funds.[50] Aid reforms to date have, however, focused more on delivery of aid — the efficiency aspects, rather than on goal-focused substantive issues, such as gender equality.[51] The implementation of the five principles of ownership, mutual accountability, alignment, harmonization and managing for results in the Declaration provides an opportunity for donors and partner countries to systematically undertake gender analysis and gender impact assessments in policy development and implementation at national, sector and project levels.[52] For example, the principle of ownership, which requires that partner countries exercise effective leadership over development policies and strategies and coordinate development actions, provides an opening for gender equality advocates to influence development policies and outcomes.

Multilateral assistance

45. In the Beijing Platform for Action specialized agencies and other organizations of the United Nations system were urged to set out the specific actions they would undertake, including goals and targets to realign priorities and redirect resources to meet the global priorities identified in the Platform for Action.[53] International financial institutions were invited to examine their grants and lending, and to allocate loans and grants to programmes for implementing the Platform for Action

[48] Ibid., p. 16

[49] Ibid., pp. 7-8

[50] Paris Declaration on Aid Effectiveness: Ownership, Harmonisation, Alignment, Results and Mutual Accountability, High-level Forum, Paris, 28 February-2 March 2005, para. 42.

[51] OECD-DAC Network on Gender Equality (2007), "Understanding the connections between the Paris Declaration and work on gender equality and women's empowerment", Draft issues paper 1, p. 1.

[52] Ibid., p. 2.

[53] Para. 336.

in developing countries.[54] At its twenty-third special session, the General Assembly called upon the United Nations system and international and regional organizations to allocate sufficient resources to regional and national programmes to implement the Platform for Action in its 12 critical areas of concern (General Assembly resolution S-28/3, annex, para. 84 (c)).

46. The Platform for Action also noted the need for sufficient resources for the promotion of the empowerment of women to be provided to the United Nations funds, programmes and specialized agencies by the international community and noted further that these resources needed to be maintained at an adequate level.[55]

47. Entities of the United Nations system have provided technical and financial support to the promotion of gender equality and empowerment of women across all sectors at national level. Both targeted activities and gender mainstreaming efforts of Member States were supported. For example, United Nations entities have provided significant support to gender-responsive budget initiatives at the national level.

48. With the adoption of its gender equality policy in 1998, the Asian Development Bank (ADB) has increased the number of loans that directly address gender disparities, and incorporated gender perspectives in its lending operations.[56] Some of the innovative approaches used by ADB to make its loan portfolio more gender-responsive included development of a gender action plan as part of project design and inclusion of gender-related policy changes and legal reforms in sector development and project loans. Around 40 per cent of ADB loans are assessed to be gender-responsive.[57] A recent review of international financial institutions[58] illustrated that weak policies and lack of resources and staff made it difficult to integrate gender perspectives into their work.[59]

49. Multilateral institutions have taken steps to improve their funding for gender equality in a variety of ways. Recognizing the limited progress in achieving women's economic empowerment, the World Bank, for example, launched its Gender Action Plan "Gender equality as smart economics" to promote implementation of Millennium Development Goal 3. The launch of the Plan recognized that there is an economic return to investment in women. In addition to grants, the Bank also provides lending for investment in women's empowerment, using both investment loans and development policy loans. The Action Plan was designed to increase the World Bank utilization of credits and loans in the economic sectors such as agriculture, infrastructure, finance and private sector development.

---

[54] Para. 354.

[55] Ibid., para. 360

[56] Shireen Lateef (2007), "Financing gender equality and the empowerment of women: Asian Development Bank", expert paper prepared for the United Nations Expert Group Meeting (EGM/FFGE/2007/EP.6), p. 6.

[57] Ibid., p. 6.

[58] Gender justice: A citizen's guide to gender accountability at international financial institutions, prepared by the Center for International Environmental Law (CIEL) and Gender Action, sponsored by the Heinrich Böll Foundation (Washington, D.C., 2007), p. 1.

[59] The review focused on the World Bank, International Finance Corporation and Multilateral Investment Guarantee Agency, International Monetary Fund, African Development Fund, Asian Development Fund, European Bank for Reconstruction and Development, European Investment Bank and Inter-American Development Bank.

The Plan will provide $30.2 million over four years, with half the funds coming from the World Bank and half from donor countries.[60]

50. Bilateral agencies have provided significant financial support to the gender equality work of the United Nations, through funding for both the gender-specific entities, the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW), as well as the work of other entities throughout the system. This support has strengthened the implementation of the gender mainstreaming strategy and ensured continued targeted support for gender equality.

E. External debt

51. In the Monterrey Consensus it was acknowledged that external debt relief can play a key role in liberating resources for redirection towards activities consistent with attaining sustainable growth and development, and it was noted that debt relief measures should, where appropriate, be pursued vigorously and expeditiously.[61]

52. The debt burden of countries can have a disproportionate impact on women and girls, especially if debt servicing leads to cuts in public spending in the areas of health and education. This reduces women and girls' access to health services and education, and increases their caregiving burden. Debt cancellation can be beneficial to women if resources can be diverted to financing for gender equality and women's empowerment. For example, some countries used debt relief to help fund education programmes on nutrition and family planning.[62] Conditionalities on debt relief should not undermine national efforts to promote gender equality and women's empowerment.

F. Addressing systemic issues

53. In addressing systemic issues — or the need to enhance the coherence, governance and consistency of the international monetary, financial and trading systems in support of development — the Monterrey Consensus encouraged the mainstreaming of gender perspectives into development policies at all levels and in all sectors to strengthen the effectiveness of the global economic system support for development.[63]

54. The lack of coherence between macroeconomic policies, which promote low inflation and high mobility of capital, and the internationally agreed development goals which require public investment, has been highlighted.[64] Multilateral financial institutions and regional and international bodies need to incorporate gender

[60] http://go.worldbank.org/G6CDFUOT80 (accessed on 3/12/2007).

[61] Para. 48.

[62] Jubilee Debt Campaign, "Debt and women", Briefing/07, London.

[63] Para. 64.

[64] Isabella Bakker, "Financing for gender equality and the empowerment of women: paradox and possibilities", background paper prepared for the United Nations Expert Group Meeting (EGM/FFGE/2007/BP.1).

perspectives into all economic policymaking and increase participation of women in economic governance structures and processes to ensure policy coherence and adequate resources for gender equality and women's empowerment.

IV. Innovative sources

55. Acknowledging that financial and human resources had generally been insufficient for the advancement of women, the Platform for Action noted that mobilization of additional resources, both public and private, including resources from innovative sources of funding, might also be necessary.[65] A number of more innovative, unimplemented proposals for financing gender equality have included the Tobin Tax, a proposed tax on trade of currency across borders that is, in effect, a penalty on speculation in currencies, and the Reproductive Labour Tax that recognizes women's invisible work in the care economy and proposes a tax credit to finance gender equality initiatives.[66]

56. While funds and foundations established by corporations and individuals can serve as an important source of financing, trends indicate that funding provided to women's organizations by foundations declined from 20 per cent in 2000 to 13 per cent in 2005.[67] The Association for Women's Rights in Development estimated that only 7.3 per cent of foundation funding was spent on "women and girls' programmes and initiatives", as opposed to 18 per cent on "children and youth" and 15.1 per cent on "economically disadvantaged populations".[68]

57. An emerging source of financing for gender equality and empowerment of women are women's funds — funds organized by women for women — at national, regional and global levels. In 2005, women's organizations received a total of $15 million from women's funds.[69] Women's funds are a major source of funding for women's organizations with budgets less than $50,000 and for those that work with marginalized groups of women, as they generally provide smaller amounts of grants, between $4,000 and $15,000.[70] These funds also provide women's organizations with institutional support and capacity-building in fund-raising and evaluation.[67] Challenges faced include the huge demand for funds, limited fund-raising capacity, sustainability issues and the constraints of weak infrastructure.

58. Women's funds raise revenue from donor Governments, international NGOs, foundations and individuals. They use innovative strategies to increase funding for gender equality, including through investments in real estate, diaspora fund-raising, endowments, social enterprises, special events and campaigns.[71] A recent

[65] Para. 345.

[66] Isabella Bakker, op. cit.

[67] The Association for Women's Rights in Development, "The second Fundher report: financial sustainability for women's movements worldwide", June 2007, p. 79.

[68] The Association for Women's Rights in Development, "Where's the money for women's rights", p. 41.

[69] "The second Fundher report: financial sustainability for women's movements worldwide", p. 79. Note that these are from women's funds either located outside of the United States, or granting outside the United States.

[70] Ibid., pp. 79-81

[71] Bisi Adeleye-Fayemi, "Financing for gender equality and the empowerment of women: the critical role of autonomous women's funds in strengthening women's movements", expert paper prepared for the United Nations Expert Group Meeting (EGM/FFGE/2007/EP.12), 2007.

innovation, "supermarket philanthropy", involves marketing a percentage of leading brand name products under a "women's brand" with royalties from each purchase supporting women's funds.[72]

V. Financing critical stakeholders

National mechanisms for the advancement of women

59. Over the past decade, a diverse range of mechanisms for promoting gender equality at national level have been established. In addition to national machineries for the advancement of women, countries have established gender equality committees and commissions, ombudsperson's offices and focal points in line ministries. Parliamentary networks and caucuses have also been created (see E/CN.6/2005/2, paras. 289 and 390). There has been little documented research on the mandates, roles, status and resources allocated to these mechanisms, as well as on their relationships with the existing national machineries.

60. Over the last decade, national machineries have continued to play a critical role in advocating for and monitoring the implementation of the Platform for Action. The 5- and 10-year reviews of the Platform for Action indicated that, despite the strengthening of national machineries in many countries, serious constraints in financial and human resources remained (E/CN.6/2000/PC/2 and E/CN.6/2005/2).

61. Among Member States reporting on levels of resources in 2000, the percentage of the national budget allocated to the national machinery was under 1 per cent in every case except one, where it was 1.61 per cent (E/CN.6/2000/PC/2). A recent review of Commonwealth countries also revealed that 14 out of 16 countries that provided information on funding for the national machinery had allocated less than 1 per cent in their most recent budget cycles.[73]

62. National mechanisms with regular funding from Government may also need to seek funding from other sources. In many developing countries, the reliance of national machineries on funding from external donors raises questions of sustainability and independence.[74] Reliance on short-term project funding also poses a risk to sustainability of gender equality policies. There are concerns that new aid modalities, with increasing emphasis on direct budget support and sector-wide approaches, may decrease direct donor funding to national mechanisms.[75]

Women's organizations

63. The Beijing Platform for Action emphasized that Governments should create a supportive environment for the mobilization of resources by NGOs, particularly

[72] "The second Fundher report: financial sustainability for women's movements worldwide", pp. 81-82.

[73] Budlender, loc. cit., para. 27.

[74] Report of the United Nations Expert Group Meeting on national machineries for gender equality (1998).

[75] Report of the United Nations Expert Group Meeting on the role of national mechanisms in promoting gender equality and the empowerment of women (2005).

women's organizations and networks, feminist groups, the private sector and other actors of civil society.[76]

64. Women's organizations have played a key role in bringing critical issues for gender equality and women's empowerment to the global agenda, promoting and monitoring implementation at national level, through influencing research, policy and strategy development and programme delivery, and holding Governments accountable.

65. Compared to other social movements and sectors, women's organizations have very small budgets — more than 700 leading women's organizations worldwide had a collective income of $76 million in 2005.[77] According to the Association for Women's Rights in Development survey of organizations working for the rights of women, two thirds of the 845 organizations that provided information had annual budgets less than $50,000, with Latin America and the Caribbean having the majority of small-income organizations.[78]

66. Most of the organizations received the majority of their funding from bilateral/multilateral agencies, large private foundations, international NGOs, individuals and local governments.[79] While for women's organizations in North America and Western Europe the major source of income was individual giving, bilateral/multilateral development assistance was the major source of income in the remaining regions.

67. Women's organizations face many challenges in mobilizing resources. Only 13 per cent of organizations had secured all the funding they needed for 2006 by August of 2006, while 61 per cent reached half or less of their budget goals for 2006.[80] Donors are increasingly channelling their assistance via government agencies for distribution to NGOs,[81] or are choosing to give to international NGOs located in donor countries.[82] In addition, some donors prefer to fund large NGOs or projects,[83] making access to funding difficult for smaller women's organizations. Limited funding and resources for women's organizations has created competition within the women's movement.[84]

VI. Measurement challenges

68. Both the economic costs of persistent gender inequality and the resource requirements for promotion of gender equality and women's empowerment need to be calculated by Governments and multilateral and bilateral agencies. There are challenges and constraints in measurement of these costs and resource needs.

69. Attempts to estimate the cost of implementing policies to promote gender equality and women's empowerment, to date, have been limited to the Millennium

[76] Para. 350.
[77] "The second Fundher report: financial sustainability for women's movements worldwide", p. 13.
[78] Ibid., p. 17.
[79] Ibid., p. 22.
[80] Ibid., p. 20.
[81] Ibid., p. 26.
[82] Ibid., p. 50.
[83] Ibid., p. 36.
[84] Ibid., p. 38.

Development Goals. Estimates at the national level show that financing Millennium Development Goal 3 would cost $7-$13 per capita, on average, from 2006-2015. Gender-sensitive achievement of all other Millennium Development Goals will also contribute to the promotion of gender equality and women's empowerment. Of the total estimated cost of achieving all Millennium Development Goals, between 35-52 per cent (equivalent to $37-$57 per capita per year) can be directly attributed to the achievement of gender equality objectives.[85]

70. The challenge is to identify the financing needs in each country, advocate for budgetary allocations and monitor allocations, implementation and impact. Efforts continue to further develop a methodology that is usable at the country level by Governments, donors and gender equality advocates, based on two categories — interventions where the main objective is to promote gender equality and interventions where the main objective is to promote other development goals, such as poverty eradication.[86]

71. Sex-disaggregated data and indicators are critical for assessment of resource allocations for gender equality and empowerment of women in all areas. At the Expert Group Meeting on Financing for Gender Equality and Empowerment of Women, participants called for development of indicators in all areas of financing for gender equality and empowerment of women.[87]

Bilateral donors

72. Measuring progress and the accountability of bilateral donors and partners continues to be a challenge because of limited data on resource allocations to promote gender equality. For the past decade, OECD-DAC members have used a "gender equality policy marker" to report on aid focused on gender equality and women's empowerment. An activity is defined as gender equality focused if "it is intended to advance gender equality and women's empowerment or reduce discrimination and inequalities based on sex". The marker aims to measure both targeted activities and gender mainstreaming efforts by identifying activities that have gender equality as a principal or significant objective.[88] Activities that specifically target women are considered to have gender equality as a principal objective, while activities which target communities as a whole but explicitly incorporate gender perspectives to ensure that women benefit equally with men are considered to have gender equality as a significant objective.

73. Even though reporting on the gender equality policy marker improved in recent years, OECD-DAC members face challenges in applying the methodology. As of 2004, only 15 members regularly provided data to the Credit Reporting System. Not all members use the marker in the same way and not all activities are screened against the gender equality policy marker. Further challenges in reporting

[85] Grown, and others, loc. cit., p. 18.

[86] Ibid., p. 11.

[87] See the examples of potential indicators identified at the meeting on macroeconomic policies and public finance management, in EGM/FFGE/2007/REPORT.

[88] See note 44 above, p. 2.

include the large number of agencies and Government departments involved in aid delivery, and the increasing decentralization of aid administration.[89]

United Nations system

74. Efforts have been made within the United Nations system to track resource allocation. The findings of the Task Force on Gender Mainstreaming in Programme Budget Processes (1999-2003) indicated that medium-term plans, programme budgets and other strategic planning documents inadequately incorporated the goals and activities on gender equality and women's empowerment and, as a result, tracking of resource allocation was difficult.[90]

75. Some success has been achieved in tracking allocation of resources to targeted activities for gender equality. Limitations in this area include difficulties in tracking the actual use of resources at country and regional level, in part owing to inadequate reporting.

76. Many serious constraints and challenges have been identified in relation to tracking resources for implementation of the gender mainstreaming strategy. A variety of mechanisms are in place within the United Nations system to track resource allocation and utilization across sectors. A number of entities, for example, utilize the Atlas-based system to track core and non-core investments in gender equality and women's empowerment. Limitations identified in this system include incomplete data, inadequate coding and lack of systematic reporting from regional and country offices.[91]

77. A major problem common to all reporting systems is the lack of criteria on what constitutes gender mainstreaming and mechanisms for assessing the percentage of resources to be attributed to gender mainstreaming efforts. This results in a significant underreporting of gender equality work. The resource information systems of some entities are being further developed to facilitate improved tracking and more reliable data for reporting.

78. It is difficult to assess the proportion of regular budget funding for the gender equality work in the United Nations, compared with the funding received from extrabudgetary sources. Bilateral donors have provided funding for both implementation of gender mainstreaming and for activities targeting gender equality. Capacity-building and development of methodologies and tools for gender mainstreaming have received significant external funding.

79. Most overall evaluations and audits of implementation of gender equality policies carried out by United Nations entities have not assessed resource allocations. Some projects funded by bilateral donors require evaluation of efforts undertaken, using specific indicators. A number of entities have developed training programmes and guidelines to support staff in tracking progress in implementation. A stronger focus is required on tracking resource allocations.

---

[89] OECD (2005), "Aid Activities in Support of Gender Equality, 1999-2003" *Creditor Reporting System on Aid Activities*, vol. 2005, Issue 6, pp. 14-16.

[90] http://www.un.org/womenwatch/ianwge/taskforces/tfprogbudgproc.htm.

[91] See, for example, United Nations Development Programme, *Evaluation of Gender Mainstreaming in UNDP* (New York, 2006), pp. 62-64.

80. The recent discussions of reform of the institutional arrangements for gender equality in the United Nations has revealed serious under-resourcing of the gender-specific bodies, the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, UNIFEM and INSTRAW.

81. Challenges exist in tracking human resources dedicated to gender equality throughout the system. Many entities have established networks of gender focal points at both Headquarters and in country offices. Since many focal points work part-time, there is no accurate assessment of the time allocated to gender equality work. Similarly, technical staff in different sectors may have significant gender equality expertise but accurate assessment of the time devoted to work in this area is difficult.

82. Although inter-agency collaboration is critical to ensure coherence and coordination of United Nations work on gender equality, few resources are allocated to this work. The innovative and widely utilized inter-agency portal, WomenWatch, for example, receives no regular budget funds but is resourced by extrabudgetary funds. Similarly, the critical inter-agency work on violence against women is funded by extrabudgetary resources.

VII. Conclusions and recommendations

83. **The global commitments on gender equality and empowerment of women since the Fourth World Conference on Women, including through the Monterrey Consensus, have yet to be implemented. Despite a growing body of evidence demonstrating that gender equality makes good economic sense, and the calls for gender mainstreaming in economic policies and public finance management, adequate resources have not been systematically allocated.**

84. **The preparations for the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus provide an opportunity to further explore the gender implications of financing for development and strengthen coherence between macroeconomic policies, plans and programmes and the internationally agreed goals. Increased attention must be given to addressing the gender perspectives in all six action areas of the Monterrey Consensus to ensure that the outcome of the follow-up process will enhance financing for gender equality and the empowerment of women.**

85. **In follow-up to the Monterrey Consensus, the most significant achievements have been made in the area of gender-responsive budgets. Further efforts are needed to ensure a shift from analysis to implementation, to broaden the focus to include both revenue and expenditures and to ensure the full involvement of all stakeholders.**

86. **Insufficient budgetary resources continue to undermine the effectiveness and sustainability of both national mechanisms for the advancement of women and women's organizations in advocating for, supporting and monitoring the implementation of the Beijing Platform for Action. Women's funds, foundations and diaspora associations have emerged as innovative sources of financing.**

87. **Although some progress has been made in reporting on resource allocations for gender equality and women's empowerment, monitoring and**

reporting remain insufficient. Further development of sex-disaggregated data and indicators is required to more systematically and effectively measure progress.

88. The Commission on the Status of Women may wish to call upon Governments, the United Nations system, the Bretton Woods institutions, international and regional organizations, non-governmental organizations, civil society, the private sector and other relevant actors, as appropriate, to:

(a) Ensure that the preparations for and outcome of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus fully incorporate gender perspectives;

(b) Undertake and disseminate gender analysis of macroeconomic policies, including taxation, public expenditure, investment and finances;

(c) Develop methodologies and tools to systematically incorporate a gender perspective into results-based public finance management, including through analysis of both revenues and expenditures, as well as into tools to monitor and evaluate public financial management systems;

(d) Assess the gender impacts of revenue-raising measures, including user fees as well as the taxation structure and composition, and develop mechanisms to ensure gender-sensitive revenue raising;

(e) Initiate transparent expenditure reviews, with the participation of civil society, which link the allocation of resources to overall development goals, including gender equality, and evaluate impacts on the poor, in particular women;

(f) Strengthen the dialogue between ministries of finance and planning and national mechanisms for the advancement of women, gender focal points in line ministries and women's organizations, to ensure the incorporation of gender perspectives into all economic policies, plans and budgets;

(g) Allocate resources for capacity-building in gender mainstreaming within finance and relevant line ministries, to ensure that domestic resource mobilization and allocation is carried out in a gender-sensitive manner;

(h) Identify and address the differential impacts of trade policies on women and men and develop strategies to ensure that women are protected against trade-related job losses and benefit from job-creation, and to expand access to trade opportunities for women producers;

(i) Ensure that gender perspectives are addressed in the formulation, implementation and evaluation of trade policies, and facilitate the active participation of women's organizations in national, regional and international trade decision-making structures and processes;

(j) Carry out gender-sensitive assessments of labour laws and standards, with particular attention to export processing zones, and establish policies and guidelines for the employment practices of foreign investors, including global corporations, building on existing agreed multilateral instruments, including the International Labour Organization conventions;

(k) Eliminate conditionalities in debt relief initiatives and debt financing measures that lead to the perpetuation or exacerbation of gender inequalities, and earmark resources released by debt relief to address specific gender equality targets and benchmarks agreed upon in the Beijing Platform for Action and the Millennium Development Goals;

(l) Increase the share of development assistance specifically targeting gender equality and women's empowerment, through both gender mainstreaming and targeted activities, and strengthen mechanisms to effectively measure resources allocated to incorporating gender perspectives in all areas of development assistance;

(m) Ensure that new aid modalities and efforts to enhance delivery mechanisms through the Development Cooperation Forum incorporate gender perspectives;

(n) Ensure that international financial institutions take gender perspectives into account in loan approvals, debt servicing and debt relief, in compliance with commitments to gender equality;

(o) Ensure that resource allocation is incorporated in all evaluations and audits of United Nations entities' implementation of gender equality policies and programmes;

(p) Ensure the development of a more coherent and transparent system for tracking financial resources across the United Nations system, including on gender mainstreaming, and institute systematic reporting on resources invested;

(q) Increase resources for gender equality work, including gender mainstreaming, throughout the United Nations system;

(r) Increase resources for the inter-agency work on gender equality to enhance coherence and coordination;

(s) Ensure that direct funding goes to women's organizations to advance their autonomy and sustainability, and increase support for women's funds that provide small grants to women's initiatives.

United Nations E/CN.6/2008/3

Economic and Social Council

Distr.: General
19 November 2007

Original: English

Commission on the Status of Women
Fifty-second session
25 February-7 March 2008
Item 3 (c) of the provisional agenda*
Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": gender mainstreaming, situations and programmatic matters

Ending female genital mutilation

Report of the Secretary-General

Summary

The present report was prepared in response to resolution 51/2 of the Commission on the Status of Women on ending female genital mutilation. It outlines key issues on female genital mutilation addressed by intergovernmental bodies and human rights treaty bodies and focuses on activities undertaken by Member States and United Nations entities to end the practice. It concludes with recommendations based on lessons learned and good practices.

* E/CN.6/2008/1.

07-60424 (E) 181207

Contents

		Paragraphs	*Page*
I.	Introduction	1–2	3
II.	Background	3–7	3
III.	Measures taken at the intergovernmental level	8–18	4
IV.	International human rights conventions	19–21	7
V.	Regional instruments and actions	22–23	8
VI.	Recent measures taken by Member States and United Nations entities	24–63	9
	A. Prevalence and data collection	25–27	9
	B. Legal frameworks	28–32	10
	C. Prevention and response strategies and interventions	33–49	11
	D. Targeted measures for refugee and immigrant communities	50–57	14
	E. Bilateral and multilateral support	58–63	15
VII.	Conclusion and recommendations	64–78	16

I. Introduction

1. In its resolution 51/2 on ending female genital mutilation, the Commission on the Status of Women requested the Secretary-General to report on the implementation of the resolution to the Commission at its fifty-second session.

2. The present report outlines the key issues on female genital mutilation addressed by intergovernmental bodies and human rights treaty bodies and focuses on activities undertaken by Member States and United Nations entities to end the practice. It is based, inter alia, on contributions by Member States[1] and United Nations entities.[2] The report provides recommendations for consideration by the Commission on the Status of Women.

II. Background

3. According to a World Health Organization (WHO) estimate,[3] between 100 and 140 million girls and women in the world have undergone some form of female genital mutilation in more than 28 countries in Africa and some countries in Asia and the Middle East. Every year, approximately 3 million girls and women are subjected to genital mutilation. The practice is also prevalent among immigrant communities in Europe, North America and Australia. Fifteen African States, where female genital mutilation is prevalent, and a number of States in other parts of the world, have enacted laws criminalizing the practice (see A/61/122/Add.1 and Corr.1).

4. In 2006, WHO published a landmark study that showed a strong association between female genital mutilation and obstetric complications.[4] The study included over 28,000 women in 28 obstetric centres in six African countries. The results showed that, compared to women who had not undergone female genital mutilation, deliveries to women with female genital mutilation were significantly more likely to be complicated by caesarean section, post-partum haemorrhage, episiotomies and prolonged maternal hospitalization. In addition, babies born to mothers with female genital mutilation had a greater risk of needing resuscitation immediately after birth and of dying during birth.

5. Since the prevalence of female genital mutilation remains high after nearly three decades of efforts by countries to eradicate the practice, new approaches

---

[1] Angola, Australia, Austria, Belgium, Canada, Czech Republic, Egypt, El Salvador, Finland, Germany, Ghana, Italy, Lebanon, Luxembourg, Malta, Mexico, Montenegro, Morocco, Nigeria, Peru, Poland, Spain, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Bolivarian Republic of Venezuela and Yemen.

[2] Economic Commission for Africa, Economic Commission for Europe, Economic and Social Commission for Asia and the Pacific, Economic and Social Commission for Western Asia, Food and Agriculture Organization of the United Nations, International Labour Organization, International Research and Training Institute for the Advancement of Women, Office of the United Nations High Commissioner for Human Rights, United Nations Educational, Scientific and Cultural Organization, United Nations Population Fund, United Nations Children's Fund, United Nations Development Fund for Women and World Health Organization.

[3] WHO, *Progress in Sexual and Reproductive Health Research*, No. 72 (2006); UNICEF, *Female Genital Mutilation/Cutting: A Statistical Exploration* (2005).

[4] "Female genital mutilation and obstetric outcome: WHO collaborative perspectives in six African countries", in *The Lancet*, vol. 367, issue 9525 (2006).

continue to be developed that are both culturally sensitive and address the practice as a human rights violation.[5] Programmes are increasingly informed by an understanding of the social dynamics of female genital mutilation as a self-enforcing social convention. Social dynamics determine why the practice persists and why women as well as men still support the continuation of the practice despite harmful health consequences. Working towards the abandonment of the practice requires the involvement of entire communities in accelerating social transformation, including the empowerment of women and girls.

6. In order to guide the approaches of the United Nations in supporting Member States to eradicate female genital mutilation, in 1997, WHO, the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) issued a Joint United Nations Statement on the Elimination of Female Genital Mutilation. WHO is leading the revision of the statement, which is expected to be published before the end of 2007. Based on new evidence and lessons learned, the revised statement will call for action to develop, strengthen, support and accelerate efforts directed towards ending female genital mutilation within a generation. UNICEF and UNFPA have launched a joint initiative to reduce the practice by 40 per cent by 2015, with the goal of ending female genital mutilation in one generation.

7. A number of non-governmental organization (NGO) networks working at different levels have provided impetus for individual attention to the issue of female genital mutilation. For example, the advocacy of the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children and its national committees led to legislation in some African countries and to the public abandonment of the practice by communities. The Inter-African Committee also initiated the International Day of Zero Tolerance of Female Genital Mutilation, on 6 February. In December 2005, the Inter-African Committee brought together African religious leaders from 28 countries in Burkina Faso. Participants pledged to participate in efforts to eradicate female genital mutilation and created the African Network of Religious Leaders for the Fight against Female Genital Mutilation and for Development.

III. Measures taken at the intergovernmental level

8. For nearly 30 years, the United Nations has addressed the issue of female genital mutilation within the legal and policy frameworks developed in the General Assembly, the Commission on the Status of Women, the former Commission on Human Rights, and its Sub-commission on the Promotion and Protection of Human Rights, and the Human Rights Council.

9. Early efforts by the Economic and Social Council to urge States to progressively abolish measures that violated the physical integrity of women (see resolution 445 (XIV)) were often perceived as interference in social and cultural practices (E/CN.4/Sub.2/2005/36, para. 12). When in the early 1980s, the Sub-Commission of the Commission on Human Rights took up the issue it was first

[5] UNICEF Innocenti Digest, *Changing a Harmful Social Convention, Female Genital Mutilation/Cutting* (Florence, Italy, 2005), UNICEF, *Coordinated Strategy to Abandon FGM/C in One Generation* (2007).

addressed as a harmful traditional or customary practice in the context of risks to the physical and mental health of affected women and girls.

10. The focus of attention evolved from a concern for the physical and mental health of women and girls to an understanding that female genital mutilation constituted violence against women and that States needed to take measures to prohibit and eliminate the practice. The Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104) defined violence as physical, sexual and psychological violence and explicitly identified female genital mutilation as a form of violence. It also called upon States not to invoke customs, tradition or religious considerations to avoid taking their obligations with respect to eliminating violence against women. The Beijing Platform for Action and the twenty-third special session of the General Assembly identified female genital mutilation as a form of violence against women and a human rights violation that prevented women's full enjoyment of their human rights and fundamental freedoms.

11. The Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly called upon Member States to prohibit female genital mutilation; to adopt and fully implement laws and other measures to eradicate harmful customary or traditional practices, including female genital mutilation; and to provide vigorous support to efforts among non-governmental and community organizations and religious institutions to eliminate such practices.

12. The General Assembly has addressed the issue of female genital mutilation in resolutions on harmful traditional practices/traditional or customary practices affecting the health of women and girls, violence against women and the girl child. In the outcome of the twenty-seventh special session of the Assembly on children in 2002 (resolution S-27/2, annex), the Assembly set out its resolve to end harmful traditional or customary practices, including female genital mutilation. At the 2006 High-level Meeting on HIV/AIDS, Member States committed themselves to strengthen legal, policy, administrative and other measures for the promotion and protection of women's full enjoyment of all human rights, including with regard to harmful traditional and customary practices (General Assembly resolution 60/262, para. 31).

13. In 2006, the Secretary-General's in-depth study on violence against women (A/61/122/Add.1 and Corr.1) and on the report of the independent expert for the United Nations study on violence against children (A/61/299), submitted to the General Assembly, highlighted the persistence of violence and called for strengthened commitment by Governments and other stakeholders to prevent and eliminate violence against women and girls. The study on violence against women placed female genital mutilation in the context of harmful traditional practices that occur within the family and community. It called for concerted efforts to end all forms of discrimination, to advance gender equality and the empowerment of women so that all women enjoy all their human rights, including freedom from violence. The study on violence against children described how harmful traditional practices, which are generally imposed by parents or community leaders, affect children disproportionately. In the study States were urged to prohibit all forms of violence against children, including female genital mutilation. It was recommended that States and civil society work to transform attitudes that condone violence

against children, including stereotypical gender roles and discrimination, as well as the acceptance of harmful traditional practices.

14. Throughout its history, the Commission on the Status of Women has expressed concern for women's and girls' enjoyment of their human rights. In the context of violence against women, human rights and women and health, it has called for the eradication of customary or traditional practices, including female genital mutilation, that are violations of women's human rights and constitute violence against women.[6] Most recently, in its agreed conclusions of 2007,[7] the Commission called upon Member States to implement national legislation and policies prohibiting harmful customary or traditional practices, particularly female genital mutilation, as a violation of and obstacle to the full enjoyment by women of their human rights and fundamental freedoms. It also called for the prosecution of perpetrators of such practices.

15. In 1984, the Sub-Commission of the Commission on Human Rights first appointed a working group on harmful traditional practices and in 1988 a Special Rapporteur on traditional practices affecting the health of women and the girl child. In its resolution 1994/30, the Sub-Commission adopted a plan of action for the elimination of harmful traditional practices affecting the health of women and children. The Special Rapporteur systematically linked the elimination of female genital mutilation with the overall status of women and their full and equal participation in the social, economic, cultural and political life of their communities (E/CN.4/Sub.2/2005/36, para. 82). She also noted the difficulty in challenging a people's culture in order to change a traditional practice that constitutes a human rights violation.

16. Special rapporteurs of the Human Rights Council (and the former Commission on Human Rights) drew attention to female genital mutilation in recent years. The Special Rapporteur on violence against women, its causes and consequences addressed the issue in her 2006 report entitled "Intersections between culture and violence against women" (A/HRC/4/34) and in some country reports.[8] She highlighted the need to uphold universally agreed values, in particular the principle that no custom, tradition or religious consideration can be invoked to justify violence against women. She also noted the challenge to develop common strategies to overcome human rights violations committed in the name of culture without condemning specific cultures. In some cases, suppressing one harmful practice may give rise to other problems, as in the case of Cameroon where the practice of "breast-ironing" is reportedly on the rise as female genital mutilation is declining. The Special Rapporteur also stressed the importance of recognizing female genital mutilation as gender-related persecution when asylum claims are examined.

17. The Special Rapporteur on freedom of religion or belief stressed that the right of freedom of religion, like other human rights, cannot be used to justify the violation of other human rights and freedoms. Both the Special Rapporteur on freedom of religion and the Special Rapporteur on violence against women, its causes and consequences welcomed the recommendations of a 2006 conference at

[6] *Official Records of the Economic and Social Council, 1998, Supplement No. 7* (E/CN.6/1998/12-E/1998/27); ibid., *1999, Supplement No. 7* (E/1999/27-E/CN.6/1999/10).

[7] Ibid., 2007, *Supplement No. 7* (E/2007/27-E/CN.6/2007/9), chap. I.

[8] Mission to Sweden, A/HRC/4/34/Add.3; Mission to the Netherlands, A/HRC/4/34/Add.4, para. 51.

Al-Azahr University in Cairo, where a group of Islamic scholars concluded that "there are no written grounds for this custom in the Qur'an" and acknowledged that "female genital circumcision practiced today harms women psychologically and physically" and should be "seen as a punishable aggression against humankind". They stated that "the practice must be stopped in support of one of the highest values of Islam, namely to do no harm to another", and called for its criminalization (ibid., para. 55).

18. The Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples recommended, during his visit to Kenya in 2006, that the Government should reinforce its efforts to achieve the effective eradication of female genital mutilation in all communities, by helping to promote culturally appropriate solutions such as alternative rites of passage and supporting the involvement of women's organizations in this work (A/HRC/4/32/Add.3). Following his visits to Nigeria and Togo in 2007, the Special Rapporteur on torture welcomed the adoption of legislation prohibiting female genital mutilation in both countries.

IV. International human rights conventions

19. A number of international human rights conventions include provisions that can be applied to female genital mutilation. The International Covenant on Civil and Political Rights provides that no person can be subjected to cruel, inhuman or degrading treatment (art. 7). The Convention on the Elimination of All Forms of Discrimination against Women calls upon States parties to eliminate discrimination against women and to take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women (art. 2 (e) and (f)). The Convention on the Rights of the Child calls for the protection of every child against all forms of discrimination, including from traditions or customs which harm their health. The Convention calls upon States parties to take steps to prevent or prohibit traditional practices that are not good for children (art. 2 (2) and 24 (3)).

20. Several human rights treaty bodies have addressed female genital mutilation in their concluding observations and comments[9] as well as in their general recommendations.[10] They have called on States parties to prohibit female genital mutilation, to adopt and implement adequate legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and punished. State parties are urged to develop comprehensive plans of action, including through education and/or the implementation of public awareness-raising campaigns to change cultural perceptions connected with the practice, in collaboration with civil society organizations, women's NGOs, community, traditional, and religious leaders as well as teachers, midwives and traditional health practitioners. Programmes should be

[9] Committee on the Elimination of Discrimination against Women; Committee on the Rights of the Child, Human Rights Committee, Committee against Torture.

[10] Committee on the Elimination of Discrimination against Women: General recommendations No. 14 on female genital circumcision, No. 19 on violence against women and No. 24 on women and health; Committee on the Rights of the Child: General Comment on adolescent health and development; Human Rights Committee: General Comment No. 28 on the equality of rights between men and women.

developed to assist practitioners of female genital mutilation to obtain alternative sources of income.

21. The Committee on the Elimination of Discrimination against Women identified the practice of female genital mutilation as the result of entrenched patriarchal attitudes and deep-rooted stereotypes and cultural norms (CEDAW/C/BEN/CO/1-3; CEDAW/C/BFA/CO/4-5). It characterized female genital mutilation as a form of discrimination and violence against women and as a harmful traditional practice constituting a violation of human rights. The Committee on the Rights of the Child stressed the need to protect children's rights and recommended comprehensive, culturally appropriate strategies to prevent and combat such harmful traditional practices, and to support victimized children, in particular in rural areas. Children themselves were encouraged to take an active role in reporting these practices to health professionals and competent authorities (CRC/C/KEN/CO/2; CRC/C/COG/CO/1). The Human Rights Committee encouraged States parties to increase efforts to combat the practice of female genital mutilation and the granting of residence permits, where appropriate, on the basis of humanitarian concerns (CCPR/C/NOR/CO/5). In recent years, the Committee against Torture increasingly urged authorities to take measures to eradicate female genital mutilation (CAT/C/CR/33/3; CAT/C/TGO/CO/1).

V. Regional instruments and actions

22. Regional legal instruments have also called for the elimination of harmful traditional practices. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,[11] which entered into force in 2005, addresses issues of traditional and cultural practices that are harmful and discriminatory towards women. It calls upon States parties to combat all forms of discrimination against women and to prohibit and condemn all forms of harmful practices which negatively affect the human rights of women. States parties are expected to take legislative and other measures to eliminate such practices through public awareness in all sectors of society; to prohibit and sanction all forms of female genital mutilation, including its medicalization and para-medicalization; to provide necessary support to victims; and to protect women who are at risk of being subjected to harmful practices.

23. In 1997, the Southern African Development Community member States issued a Declaration on Gender and Development,[12] which was complemented in 1998 by a statement on the Prevention and Eradication of Violence against Women and Children. The statement strongly condemned violence against women and children and recognized that such violence reflected the unequal relations of power between women and men, and resulted in the domination and discrimination of women by men. It listed female genital mutilation as a form of violence against women. The statement committed member States to the adoption of laws that defined violence against women as crimes, as well as to other measures, including education, training and awareness-building to ensure the prevention and eradication of all forms of violence against women and children. It also promoted the eradication of elements in traditional norms and religious beliefs, practices and stereotypes which legitimize

[11] Available from http://www.achpr.org/english/_info/women_en.html.

[12] Available from http://www.sadc.int/key_documents/declarations/gender.php.

and exacerbate the persistence and tolerance of violence against women and children.

VI. Recent measures taken by Member States and United Nations entities

24. Member States and United Nations entities have worked towards ending female genital mutilation by implementing international human rights conventions through national legal frameworks, national policies, programmes and mechanisms for the prevention and treatment of the practice and support to victims.

A. Prevalence and data collection

25. A number of Member States reported that they had no available data on female genital mutilation (Czech Republic and Poland), or that no cases had been reported (El Salvador, Luxembourg, Malta, Montenegro and Peru). Angola, Lebanon, Mexico, Morocco, Trinidad and Tobago and the Bolivarian Republic of Venezuela reported that the practice did not exist in their countries. Ghana reported that female genital mutilation is not widespread, but is still practised in some communities in the northern part of the country (namely among the Kusasis, Frafra, Wala, Lobi, Kassena, Nankanist, Sissala and Grunshie). Similarly, female genital mutilation is practised in Nigeria by ethnic groups, irrespective of religious affiliation and level of education. The practice can take place any time from a few days after birth to a few days after death. In Uganda, the affected communities are the Sabiny, Pokot, Tepeth, Nubian, Nandi, So and other minority and migrant groups. Mauritania reported that 71 per cent of women had undergone the practice with significant variations of prevalence according to ethnicity. The Central African Republic noted a decline in the practice in recent years.[13]

26. The systematic collection of data on female genital mutilation remains a challenge. Nigeria, for example, reported that the data collection system is not unified across the country and that the lack of sufficient financial resources has prevented the National Statistical Agency from collecting data on the issue of violence against women. UNICEF collects data on female genital mutilation, mainly using household survey data from the demographic and health surveys and the multiple indicator cluster surveys. The indicators utilized measure the proportion of women aged 15-49 who have undergone female genital mutilation and the proportion of women aged 15-49 with at least one daughter who has undergone genital mutilation. In recent years, there has been some progress in documenting the extent of female genital mutilation through the addition of a special module on female genital mutilation in demographic and health surveys.

27. The Economic Commission for Africa (ECA) has been using the African Gender and Development Index as a tool to monitor the extent to which countries have reported on the implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa through national laws, policy commitments and other action. In early 2007, ECA, in collaboration

[13] Based on responses to the review and appraisal of the implementation of the Beijing Platform for Action.

with the United Nations Development Programme (UNDP) Regional Gender Programme, launched the African Women's Rights Observatory and its Advisory Panel to complement the Index in Africa and to contribute to the strengthening of tracking and monitoring women's rights violations in African countries.

B. Legal frameworks

28. Member States used their legal systems to work towards the eradication of female genital mutilation in different ways, including by banning the practice in health institutions; fully prohibiting it and making it a specific crime, or covering it through existing provisions in the Criminal Code. They have also taken steps to strengthen sanctions for these crimes. However, enforcement of these laws remains a major challenge as the practice continues to be seen as an issue at the private or family level that should not be brought into the public domain for discussion and action.

29. A number of African countries have criminalized female genital mutilation in their Penal Codes or through other laws. Penalties include fines and imprisonment of up to 10 years. In Ghana, practitioners and others who aid and abet in the crime can be prosecuted. In order to implement the new law and create lasting change, the Government works with civil society organizations such as the Ghana Association for the Welfare of Women. In Uganda, the Child Act prohibits female genital mutilation and states that it is unlawful to subject a child to social or customary practices harmful to the health of the child. Morocco has criminalized female genital mutilation in the Penal Code as a violation of physical integrity. In 2007, Eritrea adopted a proclamation against female genital mutilation as a result of many years of campaigning supported by the National Union of Eritrean Women and by UNICEF.

30. While there is no federal law banning female genital mutilation in Nigeria, 11 States have adopted legislation against some harmful traditional practices, including female genital mutilation. However, the enforcement of these laws has been weak because of the lack of adequate accountability mechanisms at the national and local levels to monitor implementation of the existing laws.

31. Some Governments have taken steps to curb the practice within the health-care system and to ban health professionals from performing it. The Ministry of Health in Yemen published a decision in 2001 to ban female genital mutilation from being performed in health institutions. Similarly, the Minister of Health and Population in Egypt issued decision No. 271 of 2007 that prohibits physicians, nurses and others from making any incision, mutilation or alteration to a woman's reproductive organs, regardless of whether the act takes place in government or private hospitals or in any other location.

32. United Nations entities have supported Governments to put in place laws and mechanisms to prohibit female genital mutilation with a view to its full elimination. UNICEF, in collaboration with an NGO, No Peace Without Justice, assists Governments in the review, revision or amendment of laws on female genital mutilation in a number of countries. In Egypt, UNFPA, together with UNICEF, UNDP and the International Labour Organization (ILO), provided support to the National Council for Motherhood and Childhood in developing appropriate legal measures against the practice. The African Centre for Gender and Social

Development of ECA supports intergovernmental processes that result in policy instruments for the elimination of violence against women.

C. Prevention and response strategies and interventions

33. Member States have developed a number of strategies on the prevention of female genital mutilation and adequate responses. Measures include the development of national policies and action plans, sector-specific guidelines and handbooks, and the provision of alternative livelihoods for ex-practitioners. Member States have also taken initiatives to educate and train health professionals, police, judges and prosecutors. They offer health services and support civil society organizations. Governments also make significant community development and public education initiatives, including through partnerships with community-based, civil society organizations. In some countries positive experiences have been made through peer educators and the increased involvement of local and religious leaders.

34. The Federal Ministry of Health of Nigeria developed a National Policy and Plan of Action on Elimination of Female Genital Mutilation (2002-2006), with a view to reducing the prevalence and incidence of female genital mutilation. It was complemented in September 2007 with the second Action Plan of the Federal Government to Combat Violence against Women, with the goal of preventing female genital mutilation and supporting victims.

1. Responses by the health sector

35. In Ghana, programmes for the prevention of female genital mutilation and treatment of victims of female genital mutilation and other harmful traditional practices are integrated in reproductive health policies and programmes with a focus on prevention strategies.

36. A number of Governments have taken measures to train health professionals to eliminate the practice. In Ghana and Nigeria, the issue of female genital mutilation has been incorporated into the curricula of medical, nursing and midwifery schools. Nurses and midwives have been trained on assisting victims in affected communities. With the support of United Nations entities, Nigeria's National Primary Health-Care Agency, the Federal Ministry of Health and the national women's machinery initiated the training of traditional birth attendants who are considered the custodians of culture and tradition and are the first primary health contacts at the local level. Government and civil society organizations continue to train and retrain traditional birth attendants on safe motherhood, child survival and the eradication of harmful traditional practices such as female genital mutilation.

37. Specialized health services are being offered to women who have undergone female genital mutilation. Ghana supports victims to register with the National Health Insurance Scheme to get medical surgery for reconstruction and fistula repairs. Efforts are also made to inform women and girls of their rights, the harmful effects of female genital mutilation to their health and the illegality of the practice.

38. The WHO Regional Office for Africa has supported national Governments through regional guidelines for the elimination of female genital mutilation in the Eastern Mediterranean region. In South-East Asia, the Regional Office works with

the Ministry of Health in Indonesia to address concerns about the increasing medicalization of the practice.

39. Strategies to create alternate employment opportunities have been developed. The Nigerian Federal Ministry of Health, in collaboration with WHO, developed strategies for alternative employment for ex-circumcisers in seven States. The Osun State Ministries of Health and Women's Affairs and several NGOs, in cooperation with UNFPA, trained some ex-circumcisers as community-based delivery agents to provide reproductive health services for women especially in pregnancy, labour and delivery.

2. Advocacy and awareness-raising

40. Partnerships between relevant stakeholders, including Government ministries, national and regional NGOs, community and faith-based organizations, religious and community leaders have been established to raise awareness on the harmful consequences of female genital mutilation and to enhance the involvement of communities. Governments, United Nations entities and NGOs collaborate on efforts to eradicate the practice, using a range of approaches, including national campaigns on positive social transformation, awareness-raising activities, outreach to communities with the involvement of religious leaders, and encouragement of written declarations promoting the abandonment of female genital mutilation by different stakeholders.

41. Successful experiences of reaching and involving local communities, youth, peer educators and traditional authorities in educational and sensitization programmes, particularly in affected communities have been reported. In Ghana and Nigeria, youth peer educators are trained to work in schools and with out-of-school youth and communities through house-to-house campaigns, sensitizing youth on the dangers of female genital mutilation and the benefits of its eradication.

42. Community volunteers have been trained to educate community members on the dangers of female genital mutilation and the need to report perpetrators to the nearest health post or police station or to the community. Efforts are made to reach community leaders and to discuss the practice during community meetings. In a number of countries, sensitization activities are carried out in markets, places of worship, workplaces and via media campaigns. Member States reported their participation in the annual International Day of Zero Tolerance of Female Genital Mutilation, on 6 February, which helped to create more awareness on the practice.

43. Advocacy and awareness-raising activities have targeted different levels of government as well as religious leaders and members of parliament. In Yemen, progress has been made in awareness-raising and training on women's and girls' rights by targeting influential stakeholders, including religious leaders. The National Commission on Women published a guide on gender roles and reproductive health, including harmful practices and female genital mutilation, targeted at religious leaders. Civil society organizations held several workshops with influential religious and local leaders in communities. In Ethiopia and Nigeria, UNFPA built alliances with faith-based organizations which have been critical in working towards the elimination of harmful traditional practices such as early marriage and female genital mutilation.

44. Little information was provided on specific interventions targeted at men and boys. One promising practice in this area was reported from Nigeria, where in 1999 the Federal Ministry of Health in collaboration with WHO, the Inter-African Committee and the Federal Ministry of Women's Affairs, organized "all-male" seminars across the country to encourage men to discuss female genital mutilation and other forms of violence against women and girls and make recommendations from a male perspective. More recently, boys have been trained as peer educators across the country.

45. Conferences and workshops at different levels have been effectively utilized to raise awareness and advocate for the eradication of the practice. In 2005, UNICEF and UNDP, together with national and international NGOs, supported a subregional conference hosted by the Government of Djibouti. The conference adopted by consensus the Djibouti Declaration on the abandonment of all forms of female genital mutilation in Djibouti and the subregion (Ethiopia, Eritrea, Kenya, Somalia and the Sudan). The Dar al-Ifta', the highest Islamic authority in Egypt, declared that female genital mutilation is a custom and not a religious rite and noted that the practice is prohibited under sharia law. The declaration concluded that female genital mutilation must be prohibited because it is a harmful practice, both physically and psychologically.

46. In 2007, UNFPA organized a Global Consultation on Female Genital Mutilation/Cutting, held in Addis Ababa. In its final declaration, the participants made recommendations to various stakeholders and reaffirmed zero-tolerance on female genital mutilation. The Consultation called upon medical professionals to end any form of medicalization. Governments were called upon to accelerate abandonment of female genital mutilation by enacting and enforcing laws banning any form of the practice; by building broad partnership and networks at the national, regional and international levels to implement culturally sensitive approaches for sustainable behaviour change; and by building national capacity for law enforcement institutions and health providers on counselling, treatment and reparation. Religious and traditional leaders were encouraged to dispel the myths and misconceptions within cultures and religious communities that are used to justify the practice and to educate their constituencies on the rights of women and girls. Development partners were called upon to increase their technical and funding support to Governments, civil society organizations, faith-based organizations and community-based organizations and to support continuing research.

47. The Economic Commission for Africa cooperates with the Inter-African Committee on Traditional Practices Affecting the Health of Women, based in Addis Ababa, particularly on advocacy work. The Centre for Women of the Economic and Social Commission for Western Asia (ESCWA) has organized workshops and released publications aimed at raising awareness on violence against women, including female genital mutilation.

3. Community-based programming

48. New approaches have been developed in working with communities as a whole to eliminate female genital mutilation. In cooperation with the National Council for Childhood and Motherhood, UNICEF supported a community-based project in 40 communities in four Upper Egypt governorates which builds the capacity of the local communities to abandon the practice and protect girls from female genital

mutilation. In Senegal, UNICEF worked with the NGO Tostan to establish a community empowerment programme which promotes behavioural social change. It has led tens of thousands of people to declare their abandonment of female genital mutilation. Since 2005, the number of village communities that have publicly declared their decision to abandon the practice has increased 20-fold from 114 villages in 2005 to 2,300 villages in 2007. Building upon the success of this model in Senegal, UNICEF and Tostan are collaborating to expand its replication in the Gambia, Guinea, Mauritania and Somalia.

49. The United Nations Population Fund promotes culturally sensitive programming to address the underlying social values of the practice. In Kenya, for example, UNFPA supported the local Tsaru Ntomonik Initiative that calls for alternative rites-of-passage ceremonies. The community-based organization serves as a "safe house" for an increasing number of young girls who escape from female genital mutilation. Tsaru Ntomonik also works with ex-circumcisers to ensure that they can find alternative sources of income. In Uganda, UNFPA supported work with local politicians, cultural leaders, health workers, youth and women's groups through its Reproductive Education and Community Health Programme.

D. Targeted measures for refugee and immigrant communities

50. A number of countries where female genital mutilation may be practised among immigrants have passed laws criminalizing the practice as a form of violence against women and a human rights violation. Such laws were adopted in Canada in 1997, in Belgium in 2000, in Spain in 2003 and in Italy in 2006. In the Bolivarian Republic of Venezuela and Peru, legal protection is provided by the Penal and Civil Codes and laws on the protection of children and adolescents.

51. The Austrian law on violence against women considers female genital mutilation as a form of physical assault to which a person cannot give consent. Similarly, Swedish legislation prohibits the practice regardless of the consent of the victim or her parents. According to the German Criminal Code, the consent of the parents is considered as an abuse of parental custody. In Finland, the authorities have an obligation to intervene when the health and development of a child is being threatened. In the Netherlands, the Government's zero-tolerance policy towards female genital mutilation introduced a protocol requiring health-care professionals to report cases to the Dutch Child Abuse Agency (A/HRC/4/34/Add.4).

52. A number of countries that submitted information to the present report adopted laws that criminalize the practice irrespective of whether it is perpetrated in the country or abroad (Austria, Australia, Belgium, Canada, Ghana, the Netherlands (ibid.), Spain, Sweden (A/HRC/4/34/Add.3) and the United Kingdom). The United Kingdom consular staff can provide assistance and support to potential victims who have been taken overseas, and can arrange for medical treatment and repatriation.

53. Some Member States have taken legal measures to grant women refugee status if they claim well-founded fear of female genital mutilation for themselves or their daughters. Forced female genital mutilation is considered as persecution by Canadian jurisprudence, and refugee status is granted to women and girls who have a well-founded fear of gender-related persecution. Austria and Spain reported that they do not list female genital mutilation explicitly as a ground for asylum, but recognize it in practice.

54. Governments have developed tools to ensure that the health needs of immigrants are met in health centres and maternity and child welfare clinics. The Finnish Ministry of Social Affairs and Health provided guidelines to physicians and school nurses and published a handbook on how to identify violence against immigrant women, including female genital mutilation, forced marriage, honour-based violence, and other earlier experiences of sexual violence in war and conflict situations. The German Medical Association developed "Recommendations on the management of patients with a history of female genital mutilation" and decided to develop a training curriculum in 2007. The Spanish public health system developed training courses for its staff to better support immigrant women. The United Kingdom had seven specialist clinics in the National Health Service catering for the particular health needs of women and girls who have undergone female genital mutilation.

55. In order to strengthen the implementation of existing laws, the German Judicial Academy provided information and training for judges and public prosecutors in specialized or general training courses on domestic violence, female genital mutilation, forced prostitution and human trafficking. In Belgium, the NGO Groupement d'hommes et de femmes pour l'abolition des mutilations sexuelles féminines (GAMS) conducted a course for trainers at the federal police academy in 2005. As a result, information on female genital mutilation is integrated into all basic training courses.

56. Governments supported different measures to reach out to immigrant communities where the practice is assumed to be prevalent. Canada supported a multisectoral approach to address violence against women and children, including female genital mutilation, and worked through schools, the workplace, and the health, social and criminal justice systems. Since 1999, a network on female genital mutilation has brought together representatives from affected communities, government, NGOs and health-care providers to address female genital mutilation from legal, health, religious and sociocultural perspectives. The Australian Government worked through both State and Territory Departments of Health to prevent female genital mutilation, including through community education, information and support, and to assist affected women and girls to minimize adverse health outcomes and psychological harm.

57. In order to empower women immigrants and raise their awareness of their rights, Governments supported community-based projects. For example, in 2006 the City Council of Vienna, in cooperation with the NGO African Women's Organization, set up "Bright Future", the first health centre to counsel women on female genital mutilation. In Belgium, a number of civil society organizations targeted young immigrants with different prevention activities, including a cartoon-based story.[14]

E. Bilateral and multilateral support

58. Financial resources from both multilateral and bilateral sources were provided to support Governments and civil society organizations to work towards ending the practice. A number of Member States reported that they provide core and targeted

[14] "Diariatou face à la tradition", funded by the Daphne Programme of the European Commission.

funding to United Nations entities to protect and promote the rights of women and girls, including ending violence against women (Australia, Canada and Finland).

59. A number of development cooperation agencies have addressed the health aspects of the practice. The Australian Federal Government contributed to a campaign in Burkina Faso to address the high maternal mortality rate which is aggravated by deaths from haemorrhage and obstructed births caused by female genital mutilation. Canada supported the UNDP/UNFPA/WHO/World Bank Special Programme of Research, Development and Research Training in Human Reproduction, which has supported specific research on harmful sexual practices, including a study to assess the effect of female genital mutilation on obstetric outcomes[15] (see also para. 4 above).

60. Development cooperation initiatives have supported advocacy and awareness-raising efforts. The Austrian Development Cooperation supported several projects in this area, such as an awareness-raising campaign in northern Ethiopia involving entire village communities which aimed at promoting sustainable change towards ending female genital mutilation. Since 2002, the German Federal Foreign Office has funded workshops, publications and media in Burkina Faso, Ethiopia, Ghana, Guinea, Kenya, Mali, Niger, the Sudan, Togo, the United Republic of Tanzania and Yemen. Some initiatives in the supra-regional project "Promotion of initiatives to end female genital mutilation", funded by the German Federal Ministry for Economic Cooperation and Development, targeted men in the context of dialogue with religious leaders.

61. Some development cooperation agencies have also supported the efforts of NGOs at different levels. Finland supported the efforts of NGOs to address female genital mutilation in Kenya, Somalia and the Sudan.

62. A Donor Working Group on female genital mutilation, including Member States, United Nations entities and bilateral development agencies, aimed to enhance the coherence and coordination of activities. The Working Group, which has steadily expanded over the years, has been chaired by UNICEF since 2001. It is currently refining a common framework linked to the Joint United Nations Statement on female genital mutilation.

63. Despite international support through bilateral and multilateral assistance to affected countries, Nigeria noted that Government and bilateral funding is insufficient for the implementation of projects aimed at the eradication of female genital mutilation. In recent years much support has been redirected to address HIV/AIDS. Field studies conducted by ECA also show that while countries continue to take actions to eradicate female genital mutilation, budgets remain inadequate.

VII. Conclusion and recommendations

64. **During the last three decades, partnerships between Governments, United Nations entities, civil society, and other stakeholders have enhanced awareness and strengthened efforts towards ending female genital mutilation. There is greater understanding of the practice as a violation of human rights as well as of its harmful health impacts. At the same time, the prevalence of female genital**

[15] See http://www.who.int/reproductive-health/fgm/index.html.

mutilation remains high because of pressures within communities to conform to social norms and expectations. Families who understand the harm of female genital mutilation continue to expose their daughters to the practice because of prevailing harmful traditional norms.

65. Many actions have been taken to end female genital mutilation, including legal reforms; development of policies, strategies and action plans; training of health-care professionals, law enforcement agents and other relevant professional groups; and advocacy and awareness-raising campaigns at the national and local levels. Promising experiences have included the involvement of highly visible opinion-makers, community and religious leaders, men and young people in prevention strategies and activities, and the development of approaches targeting communities as a whole.

66. Challenges identified include lack of enforcement of policies and legislation; insufficient awareness and commitment; persistence of norms that encourage the continuation of the practice; lack of data to facilitate monitoring of progress; and limited resources for sustained programmes.

67. A number of lessons learned and good practices have been identified in national and regional efforts to end female genital mutilation. These should be further supported and replicated, where possible.

68. All policies and programmes to end female genital mutilation should be guided by a human rights-based approach. Obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as other human rights conventions and instruments, including those at the regional level, such as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, must be fully implemented.

69. Laws need to be put in place to prohibit and criminalize female genital mutilation, including its medicalization. Enforcement of legislation should be enhanced. Governments should act with due diligence and prosecute and punish perpetrators. Police, prosecutors and legal and judicial personnel need to be trained to enforce national laws.

70. Comprehensive strategies are needed to develop enhanced awareness among communities, families and the general public on the human rights of girls and to create an enabling environment for girls to exercise those rights. Girls and families that have abandoned the practice should be protected from community harassment.

71. The impact of targeted interventions to end female genital mutilation can only achieve their full potential in the context of enhanced overall efforts to achieve gender equality and empowerment of women. Governments should continue and strengthen their efforts to fully implement commitments made in the Beijing Platform for Action, the outcome of the twenty-third and twenty-seventh special sessions of the General Assembly, the Millennium Summit and the 2005 World Summit, and work to achieve the targets established in the Millennium Development Goals.

72. Improving women's and girls' access to education and health care is critical to empower them and their communities to end female genital

mutilation. The level of education for women and girls and the capacity of health-care systems to meet the needs of women and girls need to be further strengthened, in line with internationally agreed development goals, including the Millennium Development Goals.

73. Different stakeholders, including government agencies, civil society and community leaders, should be targeted in awareness-raising and training programmes to develop capacity for advocacy and awareness-raising on the need to abolish the practice. Health practitioners, social workers, teachers and other relevant professionals should also be targeted for awareness-raising and training.

74. Religious leaders should be involved in community-wide campaigns to promote the understanding that female genital mutilation has no basis in religious beliefs. Men and boys need to be targeted in gender equality and women's empowerment programmes, including in efforts to end female genital mutilation. Young people should be encouraged to reach and influence their peers, both inside and outside school settings.

75. Governments, civil society actors, and United Nations entities must continue to develop strategic partnerships to work effectively with affected communities to end female genital mutilation.

76. Adequate alternatives need to be developed, in cooperation with communities, such as alternative rites of passage and alternative sources of income for ex-circumcisers and practitioners. Safe houses should be established to protect girls from the practice and provide them an opportunity to continue their education.

77. Action-oriented research should be undertaken on the sociocultural dimensions of female genital mutilation, including why women as well as men still support the practice, despite its harmful consequences, in order to inform policies and programmes. Data collection must be significantly strengthened.

78. To sustain the advances made, adequate and sustainable resources should be made available to all stakeholders working to eradicate female genital mutilation, including relevant Governments ministries, United Nations entities and national and regional civil society organizations and networks.

United Nations E/CN.6/2008/4

Economic and Social Council

Distr.: General
5 December 2007

Original: English

Commission on the Status of Women
Fifty-second session
25 February-7 March 2008
Item 3 (c) of the provisional agenda*
Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": gender mainstreaming, situations and programmatic matters

Forced marriage of the girl child

Report of the Secretary-General

Summary

Pursuant to resolution 51/3 of the Commission on the Status of Women, the present report gives an overview of the consideration of the issue of forced marriage at the international level, and the evolving approach for addressing it. It provides information on the legal and policy measures of States and the activities undertaken by entities of the United Nations system to address forced marriage of the girl child. The report concludes with recommendations for future action.

* E/CN.6/2008/1.

07-62697 (E) 281207

Contents

		Paragraphs	*Page*
I.	Introduction and background	1–17	3
II.	Measures taken by States	18–54	7
	A. Legislative measures and their implementation including enforcement	19–35	7
	1. Minimum legal age for consent and minimum age for marriage	19–25	7
	2. Laws to ensure that marriage is entered into only with the free and full consent of the intending spouses	26–30	9
	3. Registration of birth and marriage	31–35	10
	B. Development and implementation of strategies aimed at prevention of forced marriage	36–51	11
	1. Action plans, campaigns and educational programmes	36–38	11
	2. Training and capacity-building efforts	39–42	12
	3. General preventive strategies and actions	43–50	12
	4. Resources	51	14
	C. Protection and support measures for victims of forced marriage	52	14
	D. Efforts to monitor progress in addressing forced marriage	53–54	15
III.	Measures taken by entities of the United Nations system	55–63	15
IV.	Conclusions and recommendations	64–73	19

I. Introduction and background

1. The Commission on the Status of Women, in its resolution 51/3, proposed a series of measures to be taken by States and other stakeholders to prevent forced marriage of the girl child and provide support to victims who had entered into such marriages. It requested the Secretary-General to report to it at its fifty-second session on the implementation of that resolution.

2. The right to marry only with one's free and full consent is reflected in the Universal Declaration of Human Rights and in a number of subsequent international human rights treaties.[1] Outcomes of global conferences and their reviews further elaborated on this right, with a main focus on the prevention of early marriage, and enactment of laws that ensure that marriage is entered into only with the free and full consent of the intending spouses, as well as generation of social support for the enforcement of laws on the minimum legal age for marriage, in particular through educational opportunities for girls.[2]

3. The African Charter on the Rights and Welfare of the Child (article 21 (2)) is the only human rights treaty, at the regional level, that expressly requires States parties to specify the minimum age of marriage to be 18 years, including in legislation. While international human rights treaties do not have a comparable provision, human rights treaty bodies have for many years been concerned about the question of the age of marriage and recommended that the minimum age for marriage should be 18 years for both men and women.[3] The treaty bodies have also been concerned about the question of full and free consent of the intending spouses, and have frequently dealt with early marriage and its consequences for the well-being of children, and especially the gender-specific implications for girls.

4. In recent years, the issue of forced marriage, that is to say, the case where the free and full consent of at least one of the parties to a marriage is lacking, has gained the attention of the international community. Forced marriage is a manifestation of discrimination against women and a violation of their rights.

5. Women of all ages may become victims of forced marriage. Where marriage occurs under age 18, free and full consent of the intending spouses may be especially lacking. Girls who are married at a young age have no say in decisions concerning whom they wish to marry, when they wish to marry, or whether they wish to marry at all. Some may accept the marriage without protest because they may be too young to make an informed decision about the spouse, or about marriage

[1] See, in particular, article 16 (2) of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)); the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (United Nations, *Treaty Series*, vol. 521, No. 7525); article 10 (1) of the International Covenant on Economic, Social and Cultural Rights (see General Assembly resolution 2200 A (XXI), annex); and article 16 (1) of the Convention on the Elimination of All Forms of Discrimination against Women (United Nations, *Treaty Series*, vol. 1249, No. 20378).

[2] See, for example, the Beijing Declaration (*Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995*) (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I); and Platform for Action (ibid., annex II), paras. 274 (e) and 275 (b).

[3] See general recommendation No. 21 (1994) of the Committee on the Elimination of Discrimination against Women (*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38* (A/49/38), chap. I, sect. A), para. 16. See, also, concluding observations of the Committee on the Rights of the Child.

itself, and may not fully understand the implications. Girls may have given what passes for "consent" in the eyes of the law, but in reality consent to the union may have been given by others on their behalf.[4]

6. Where forced marriage involves the girl child, a range of her rights are affected, including the right to education, the right to life and physical integrity, and the right not to be held in servitude or perform forced or compulsory labour. Forced marriage of the girl child is often accompanied by early childbearing which may entail complications during pregnancy and delivery and a great risk of maternal mortality and morbidity. It can also have immediate and longer-term detrimental effects on a girl's emotional, physical and psychological welfare, can increase the likelihood of HIV infection and can be a gateway to a lifetime of domestic and sexual subservience.[5]

7. Such marriages continue to be entered into in many countries, and within different contexts. They may reflect an attempt to protect and guard a culture, or a desire to protect girls from unwanted sexual advances.[6] Forced marriage of the girl child may take place within the context of a marriage arranged by the family. A family may resort to coercive methods such as abduction, imprisonment, rape or confinement.[7] It may also resort to emotional blackmail, physical duress, violence or the threat of violence, psychological forms of pressure tactics and confiscation of official papers.[8] A girl's refusal of an arranged marriage may even be seen as a crime against the family's honour.[9] Such marriages may serve as a family-building strategy or as an economic arrangement.[10] Forced marriage may also occur within the context of trafficking in persons, where it may be used as a method of recruitment, and may be a result of trafficking.[11]

8. Forced marriage has also been documented in the context of armed conflict. Girls and young women who had been abducted or recruited by warring groups experienced sexual violence, including forced marriage, when they were given to commanders and combatants and became "bush wives".[12] In May 2004, for the first time in the history of international law, the Special Court for Sierra Leone decided

---

[4] United Nations Children's Fund, "Early marriage: child spouses", *Innocenti Digest*, No. 7 (March 2001), p. 2.

[5] United Nations Children's Fund, *The State of the World's Children, 2006: Excluded and Invisible* (New York, UNICEF, 2006), pp. 45-46.

[6] *Innocenti Digest*, No. 7 (March 2001), pp. 2 and 16.

[7] See report of the Secretary-General on the in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1), para. 122, also available from http://www.un.org/womenwatch/daw/vaw/reports.htm#study.

[8] Council of Europe, "Report of the Committee on Equal Opportunities for Women and Men: Forced marriages and child marriages" (document 10590 of 20 June 2005), para. 17.

[9] Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children (A/HRC/4/23 and Corr.1), para. 41.

[10] Paulo Sérgio Pinheiro, *World Report on Violence against Children* (Geneva, United Nations Secretary-General's Study on Violence against Children, 2006), p. 57.

[11] See A/HRC/4/23 and Corr.1, para. 31.

[12] See *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission* (2004), vol. 3 (b), chap. III, entitled "Women and the armed conflict", para. 184. See also United Nations Children's Fund, *The State of the World's Children: Childhood Under Threat* (New York, UNICEF, 2004), pp. 42 and 49.

that forced marriage would be prosecuted as a crime against humanity under international law.[13]

9. It is difficult to gauge how many girls and young women are subjected to forced marriage owing to the sometimes criminal and hidden nature of forced marriage, combined with the fact that it often takes place in closed families, groups or communities where marriages of girl children are often unregistered.[14] It is estimated that 82 million girls marry before they reach the age of 18, with a significant number of these marrying at younger ages, frequently coercively (see the report of the independent expert for the United Nations study on violence against children (A/61/299), para. 45). Forced marriage has been highlighted as an under-documented form of violence against women.[15]

10. The issue of forced marriage was first introduced into the agenda of the General Assembly in 1995, in the context of trafficking (see Assembly resolution 50/167), and was subsequently taken up from the same perspective by the Commission on the Status of Women in 1997 (resolution 41/5) and the Commission on Human Rights in 1999 and subsequent years (resolutions 1999/40, 2000/44, 2001/48, 2002/51 and 2004/45).[16] In these contexts, Governments focused on the need to address the root factors that encouraged trafficking in women and girls, including for the purpose of forced marriage.

11. Since 2000, forced marriage has been considered a form of violence against women and dealt with in the framework of the elimination of violence against women.[17] The Commission on the Status of Women addressed the need to reach girls in forced marriages with educational and life-skills programmes (agreed conclusions of 2007 on the elimination of all forms of discrimination and violence against the girl child) (see E/2007/27, chap. I, sect. A).

12. Three Special Rapporteurs of the Commission on Human Rights, and later of the Human Rights Council, have devoted attention to the question of forced marriage, including of the girl child. The Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, concluded that forced marriage was in itself a form of violence against women that further entrenched gender-based violence. Referring to the difference between an arranged and a forced marriage, the Special Rapporteur found that in some cases, this difference was tenuous, as marriage was sometimes imposed not by explicit

---

[13] See press release of 7 May 2004 of the Special Court for Sierra Leone (Press and Public Affairs Office (Freetown)) entitled "Trial Chamber approves new count of forced marriage", available from http://www.sc-sl.org/Press/pressrelease-050704.html, (accessed 29 November 2007).

[14] See A/HRC/4/23 and Corr.1, para. 29.

[15] See A/61/122/Add.1 and Corr.1, para. 222.

[16] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A; ibid., *2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A; ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A; ibid., *2002, Supplement No. 3* and corrigendum (E/2002/23 and Corr.1), chap. II, sect. A; and ibid., *2004, Supplement No. 3* and corrigendum (E/3004/23 and Corr.1).

[17] Commission on Human Rights resolutions 2000/45, 2001/49, 2003/45, 2004/46 and 2005/41 (see *Official Records of the Economic and Social Council, 2000, Supplement No. 3,* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A; ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A; ibid., *2003, Supplement No. 3* (E/2003/23 and Corr.1); ibid, *2004, Supplement No. 3* and corrigendum (E/2004/23 and Corr.1), chap. II, sect. A; ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

force but by relentless pressure and/or manipulation, often by telling a girl or young woman that her refusal would, for example, harm her family's standing in the community.[18] The Special Rapporteur on violence against women, its causes and consequences, noted cases in which young women living outside their home countries or regions had been sent home under a deceptive pretext and with the intent of forcing them into marriage. In her view, such cases should be regarded as human trafficking.[19] According to the Special Rapporteur on traditional practices affecting the health of women and the girl child, the practice of forced marriage deserved increased scrutiny by the international community, as this practice would not be eradicated until women were considered full and equal participants in the social, economic, cultural and political life of their communities. The Special Rapporteur drew attention to a trend in communities of second-generation immigrants whereby girls and young women were increasingly coerced into marrying against their will.[20] The Working Group on Contemporary Forms of Slavery (E/CN.6/2008/4 of the Subcommission on the Promotion and Protection of Human Rights of the Human Rights Council) recognized forced marriage as a form of slavery related to, or generated by, gender-based discrimination.[21]

13. Human rights treaty bodies have raised the issue of forced marriage of the girl child, especially in their constructive dialogues with States parties and in their resulting concluding observations/comments.

14. The Human Rights Committee placed emphasis on men's and women's right to enter into marriage only with their free and full consent, and underscored the obligation of the State to protect the enjoyment of this right on an equal basis.[22] Specifically, treaty bodies have addressed the prevalence of forced marriage as a manifestation of discrimination against women, including girls and young women, and an obstacle to the girl child's full enjoyment of the rights enshrined in the Convention on the Rights of the Child (United Nations, *Treaty Series*, vol. 1577, No. 27531). They have also addressed it as a manifestation of harmful traditional practices. Several treaty bodies made it clear that forced marriage was perpetuated by entrenched adverse customs and traditional attitudes that discriminated against women or placed women in subordinate roles to men, or by women's stereotyped roles in society.[23]

---

[18] See A/HRC/4/23, para. 26.

[19] See report of the Special Rapporteur of the Human Rights Council on violence against women, its causes and consequences (A/HRC/4/34), para. 56.

[20] See ninth report and final report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2005/36), paras. 34, 82 and 85.

[21] See report of the Working Group on Contemporary Forms of Slavery on its twenty-eighth session (E/CN.4/Sub.2/2003/31).

[22] See general comment No. 28 of the Human Rights Committee concerning article 3 (equality of rights between men and women) of the International Covenant on Civil and Political Rights (*Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 40* (A/55/40 (vol. I)), annex VI, sect. B), para. 23.

[23] See general recommendation No. 19 (1992) on violence against women of the Committee on the Elimination of Discrimination against Women (*Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38* (A/47/38), chap. I), para. 11. See also concluding observation of the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights.

15. Treaty bodies have also addressed some of the specific consequences of forced marriage, which may include the early termination of girls' schooling (Committee on the Elimination of Discrimination against Women), or increased vulnerability of girls to HIV infection (Committee on the Rights of the Child).[24]

16. In response to the practice of forced marriage of the girl child, human rights treaty bodies have requested States to raise the legal age for marriage. According to the Committee on the Elimination of Discrimination against Women, the minimum age for marriage should be 18 years for both men and women because the important responsibilities of marriage required maturity and capacity to act.[25] The Human Rights Committee emphasized that age for marriage should be such as to enable each of the intending spouses to give his or her free and full personal consent in a form and under conditions prescribed by law.[26] The Committee on Economic, Social and Cultural Rights has recommended that States parties raise and equalize the minimum age for marriage for boys and girls, as well as the age of sexual consent.

17. Regional bodies have also taken up the issue of forced marriage. The Parliamentary Assembly of the Council of Europe focused on forced marriage that arose chiefly in migrant communities and that primarily affected young women and girls.[27]

II. Measures taken by States

18. As at 1 October 2007, 32 States[28] had responded to the Secretary-General's request for information on the implementation of Commission on the Status of Women resolution 51/3.

A. Legislative measures and their implementation including enforcement

1. Minimum legal age for consent and minimum age for marriage

19. The protection of girls from forced marriage requires that States have in place a legal framework that is consistent with their international obligations pertaining to the protection and promotion of women's and girls' human rights, including specific measures of prevention of all forms of violence against women, and legislation on a minimum age for marriage that is consistent with the guidance provided by human

[24] See General comment No. 3 (2003) on HIV/AIDS and the rights of the child of the Committee on the Rights of the Child (*Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 41* (A/59/41), annex IX), para. 9.

[25] See general recommendation No. 21 (1994) of the Committee on the Elimination of Discrimination against Women, para. 36.

[26] See general comment No. 19 (1990) of the Human Rights Committee (*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 40* (A/45/40 (vol. I)), annex VI, Sect. B), para. 4; see also general comment No. 28 (2000), para. 23.

[27] Resolution 1468 of 5 October 2005.

[28] Bahrain, Belgium, Brazil, Brunei Darussalam, Canada, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Finland, Germany, Hungary, Ireland, Luxembourg, Mauritania, Montenegro, Netherlands, Nicaragua, Norway, Oman, Philippines, Poland, Portugal, Qatar, Russian Federation, Suriname, Sweden, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and Yemen.

rights treaty bodies. In many States that provided information for the present report (including Colombia, Croatia, Cuba, the Czech Republic, Finland, Germany, Hungary, Ireland, Mauritania, Montenegro, the Netherlands, Nicaragua, Norway, Oman, the Philippines, Poland, Portugal, the Russian Federation, Sweden and the United Arab Emirates), legislation is in place that sets the minimum age for marriage at 18 years.

20. In Brazil and Qatar, the minimum age for marriage is 16, while in Turkey it is 17. In Suriname and Bahrain, the legal age for marriage is different for males and females: the legal age for marriage for a girl is 15 in both countries, whereas for boys it is 17 in Suriname and 18 in Bahrain. Yemeni law does not yet provide a minimum age for marriage, but the Council of Ministers has referred a provision that would set the minimum age at 18 years to the Chamber of Deputies for adoption. The Higher Council for Women of Bahrain has recommended that the minimum age for marriage for girls be raised.

21. In a number of States, the law establishes that exceptions to the minimum age for marriage may be granted. In several States (including Croatia, Germany, Hungary, Montenegro, the Netherlands, Portugal and the Russian Federation), no exceptions to marry may be granted to anyone younger than 16 years of age. On the other hand, in Nicaragua and Costa Rica, girls may marry at age 15 with parental authorization, while in Cuba, girls may marry at age 14 and boys at age 16, with parental authorization. In Colombia, minors older than 14 may marry with the written permission of the parents or legal guardian. A court in Germany may grant an exception on request if one of the intending spouses is of full age and the other has reached age 16.

22. In several countries (including Croatia, Ireland and Hungary), the intending spouses must submit the request for an exception to the relevant authority to enter into marriage under the legal minimum age at marriage. In Brazil, authorization of a parent or a legal guardian is required for requesting an exception. However, there are also countries where the legal guardian of the intending spouses may seek permission for those under age 18 (Mauritania).

23. Exceptions to marry below the minimum age may be granted by different authorities. While in a number of countries, including Croatia, the Czech Republic, Germany, Ireland, Montenegro and the Netherlands, the responsibility for granting an exception is vested in the courts, in other countries exceptions may be granted by the Ministry of Justice (Finland and also the Netherlands); the guardianship authority (Hungary); a *qadi*, or judge of a religious court (the United Arab Emirates); a judge (Oman and Turkey); or the County Administrative Board (Sweden).

24. Exceptions may be granted for different reasons. The best interests of the minor and the establishment of the free will of the intending spouses are central criteria for considering requests for exceptions in several countries, including Hungary. While having reached puberty may be considered a criterion in the United Arab Emirates, general maturity may be considered to be such in Colombia. While pregnancy is not a sufficient reason for granting permission to minors to marry in Hungary, pregnancy and the birth of a child may be considered valid reasons in the Netherlands and the Russian Federation. In the Czech Republic and Ireland, the intending parties are responsible for showing that there are serious reasons for the marriage to take place. A hearing with the intending spouses, a parent or guardian

and a social welfare centre serves to determine the validity of the reasons for an exception in Croatia.

25. In addition to legal provisions on the age at marriage, those on the age of sexual consent can contribute to the protection of girls from forced marriage. In two States that provided such information for the present report, namely, Brunei Darussalam and the Czech Republic, sexual intercourse with a girl under age 16 is considered a criminal act, whereas in Croatia, sexual intercourse with a person under age 14 is a criminal offence.

2. Laws to ensure that marriage is entered into only with the free and full consent of the intending spouses

26. In addition to legislation establishing a minimum age for marriage, laws requiring the free and full consent of the intending spouses are necessary to protect the girl child against forced marriage. Such protection is enhanced by consistent implementation and monitoring of relevant national legislation and its enforcement, and of effective procedures governing the conclusion of marriage.

27. Marriages concluded without the free will of the parties involved are deemed null and void in a number of States, including Belgium, Canada, Colombia, the Czech Republic, Germany, Hungary, Portugal, the Russian Federation and the United Arab Emirates. Family laws in Croatia and Montenegro require that a marriage be entered into only with the free and full consent of a man and a woman. According to the Personal Status Code of Oman, a marriage may not be contracted without a woman's consent, that is to say, without an offer from a man and an acceptance by the woman. Personal Status Act, No. 28 of 2005 of the United Arab Emirates provided that marriage should be contracted between a man and the guardian of a woman, though the woman must also give her consent and sign the marriage contract. The acceptance and consent of both parties to a marriage must be given before a judge in Yemen, who may interview a girl with no intermediary present in order to establish her consent to the marriage. A marriage is contracted by means of a free and mutual public declaration by a man and a woman in the Czech Republic.

28. Several States have taken steps to strengthen their legislative framework to ensure that marriage is entered into only with the free and full consent of the intending spouses. With the intent to prevent forced marriage, a new law in Germany makes reunification of both Germans and foreigners with their spouses dependent on mastery of basic German language skills. The language requirement was deemed necessary to ensure that victims of forced marriage would have the means to escape coercive situations. National consultations were held in 2005 by the Forced Marriage Unit of the United Kingdom of Great Britain and Northern Ireland (a joint Unit of the Home Office and the Foreign and Commonwealth Office) on whether to make the forcing of someone into marriage a specific criminal offence. Because many respondents feared that such specific legislation could isolate victims and drive the problem further underground, the Government decided not to introduce it. Instead, the Forced Marriage (Civil Protection) Bill received Royal Assent in July 2007.

29. Forced marriage has been criminalized in several States, including Germany, Norway and Turkey. Section 222 of Norway's Penal Code was amended in 2003 to prohibit forced marriage; the offence carried a penalty of imprisonment for up to six

years. Perpetrators of forced marriage in Turkey may be sentenced to fines and up to seven years in prison; and in Germany, they may serve from six months to five years.

30. While a number of States, including Brazil, Canada, Finland, Hungary and Sweden, lacked specific legislation on forced marriage, such situations may be subsumed under other criminal offences. For example in Hungary, criminal offences such as coercion through violence or the threat of force may also provide sufficient grounds to prosecute forced marriage, while in Brazil, Canada and Finland, laws pertaining to various forms of violence against women and forced confinement, and laws prohibiting trafficking in persons may apply. In March 2006, the Belgian Council of Ministers approved a draft bill to criminalize forced marriage, while Luxembourg is considering such a measure. In February 2006, Sweden appointed a commission to analyse whether existing penal legislation concerning such crimes as unlawful coercion offered sufficient protection against forced marriage and to propose any necessary amendments.

3. Registration of birth and marriage

31. Birth registration serves as a basis for ascertaining the age of the intending spouses at the time of marriage. When registration systems are permanent, compulsory and universal, they facilitate monitoring of the age of marriage, and support the effective implementation of laws that aim to protect the girl child from forced marriage, and in particular the effective enforcement of laws on the minimum age at marriage.

32. Responsibility for registering births is commonly part of States' civil registration systems. However, such systems are not yet in place in all countries, or may be limited primarily to urban areas.[29] During the period 1995-2003, 153 countries reported data to the international statistical system concerning births at least once, while 111 countries reported data on births specifically from a civil registration system. Eighty-five countries reported data on first marriages, by age of bride and groom, at least once during the same period.[30]

33. States have in place different procedures for registering births and marriages. Several States, including Croatia, the Czech Republic, Germany and Portugal, required an authorized registrar to verify the ages of the intending spouses based on birth certificates and to receive declarations of consent to marry in person. In Portugal and the Russian Federation, persons entering into marriage submit identification documents specifying date of birth to civil registry offices and sign a joint declaration confirming their mutual and voluntary consent.

34. Both parties must be present to register a marriage in Hungary: no legal representative or agent acting on behalf of an individual is permitted to register on his or her behalf. According to the Civil Registration Act 2004 of Ireland, the parties to a marriage are required to make a "declaration of no impediment". Registrars in Germany were duty-bound to refuse to assist in the conclusion of a marriage where there was evidence that one of the intending spouses might have been forced into marriage.

---

[29] *The World's Women 2005: Progress in Statistics* (United Nations publication, Sales No. E.05.XVII.7), p. 16.

[30] Ibid., p. 18, table 1.A.

35. States continued to face challenges in registering all births and marriages. To ensure enforcement of the Code of Civil Status, which required the registration of marriage, Mauritania imposed a fine on those who failed to register their marriage. The Philippines launched the Unregistered Child Project, now in its second phase, to increase the registration of births. It also implemented a programme specifically targeting registration of births among the indigenous population. Registering marriages in Yemen remained especially difficult in rural districts, where facilities for registration were lacking. As a remedy, health facilities started to issue birth certificates so as to facilitate the registration of births.

B. Development and implementation of strategies aimed at prevention of forced marriage

1. Action plans, campaigns and educational programmes

36. As part of their strategies to prevent forced marriage of the girl child, some States have put in place local and national action plans to complement legal frameworks and achieve greater overall impact. Plans of action to combat forced marriage have been adopted in a number of cities in Germany, including Berlin and Hamburg. These plans included the dissemination of information and awareness-raising efforts, as well as measures aimed at assisting, and providing protection to, victims. With the overarching aim of addressing forced marriage by preventing its occurrence and helping victims, Norway launched its first Action Plan against Forced Marriage in 1998. The Plan has since been renewed. Resources for its implementation have been increased and eight different ministries participated in its implementation.

37. Awareness-raising campaigns and education programmes, some of which utilized the media and were conducted in collaboration with civil society groups, have resulted in enhanced capacity to address the problem of forced marriage. They have also resulted in greater awareness of the issue of forced marriage, the legal minimum age for marriage, and the importance of registering births and marriages.

38. The efforts of women's rights organizations in Germany have resulted in a high level of awareness of the topic of forced marriage among the general public. Awareness-raising campaigns in Mauritania have succeeded in increasing the registration of births and marriages. Similar campaigns are now being conducted to publicize the revised Personal Status Code of 2001 which raised the minimum age for marriage to 18 years. The United Kingdom's Forced Marriage Unit functioned as a "one-stop shop" for developing policy on forced marriage, disseminating information to those at risk, coordinating outreach projects, and providing assistance to British victims and potential victims of forced marriage. Since its establishment, the Unit has undertaken outreach and awareness-raising work in key communities, and implemented a national publicity campaign in 2006 involving radio and television, as well as the national and local press. With a view to ensuring support for setting a legal minimum age for marriage, a national awareness-raising campaign was conducted in Yemen. The campaign promoted the importance of such a law and highlighted the risks associated with early and forced marriage.

2. Training and capacity-building efforts

39. Capacity-building of government officials, especially social service providers, was an important element in strategies to enhance prevention of forced marriage, as well as to ensure adequate support for victims of such marriages. States published guides, held training seminars and offered courses of study with the aim of improving the responses to cases of forced marriages.

40. A guide for migrant workers, published by the Ministry of Labour in Brazil, included information on forced marriage. A guide for social and health services employees, published by Finland's Ministry of Social Affairs and Health together with the Ministry of Employment and the non-governmental organization Monikanaiset, addressed the needs of female immigrant victims of violence, including the provision of care and support for victims of forced marriage. Building on its experience of handling approximately 250-300 cases of forced marriage per year, the Forced Marriage Unit of the United Kingdom produced guidelines on tackling forced marriage for police, social service, health and education professionals. The Unit planned to release similar guidelines for legal professionals.

41. Specialized seminars on the prevention of forced marriages were held at the All Russian Advanced Training Institute and the Ministry of Internal Affairs. The issue of forced marriage was also part of the family and criminal law curricula for law enforcement agents. The Ministry of Justice in the United Arab Emirates provided instruction to lawyers and judges on the Federal Personal Status Act which raised the minimum age of marriage to 18 years and included the requirement of the consent of the bride.

42. Capacity-building activities were also carried out in support of the registration of births and marriages in Mauritania and Yemen. While Yemen provided training for the judiciary to sensitize judges to the dangers of early and forced marriage, there remained an ongoing need for additional training on the issue of forced marriage and gender equality in general.

3. General preventive strategies and actions

43. States worked in a variety of ways to promote an environment conducive to ensuring the rights of girls. By addressing the unequal status of women and girls and the conditions and practices that threatened their health and welfare, States aimed to transform the very conditions that could give rise to forced marriage. The impact of targeted measures to address forced marriage of the girl child has been strengthened through strategies aimed at enhancing the education and health of the girl child. In particular, measures to enhance the education of the girl child have also resulted in the prevention of forced marriage. Policy measures in the field of migration, encompassing those aimed at combating trafficking in persons, and violence against women, have also provided opportunities for addressing the issue of forced marriage.

44. As fostering equality for the girl child was necessary to ensure that women had equal rights later in life, States paid special attention to breaking down persistent gender stereotypes and advancing opportunities and services for girls. Colombia, Costa Rica, the Czech Republic, Ireland, Mauritania, Montenegro and the Netherlands systematically promoted gender equality and the elimination of gender stereotypes in schools. Mauritania's law, No. 2001-054 of July 2001, which made

school attendance compulsory for children through age 14, was seen as a means to reduce forced and early marriage. The effects of the law were in line with Mauritania's expectation that the later a woman married, the more likely she was to choose her own partner. Oman and Qatar succeeded in narrowing the gender gaps in education. Mauritania and Qatar noted an increase in the age at first marriage and linked education of the girl child to this achievement. Early marriage has been declining in Oman as a result of greater social awareness of its harmful effects and the increased attention paid to the education of children at all levels.

45. Since forced marriage of the girl child resulted in the termination of her schooling, the Philippines endeavoured to eliminate practices that discriminated against the girl child. Towards that end, the Philippines planned to undertake dialogues with community leaders in settings where forced marriages took place. The inadequate number of schools that serve girls in rural areas presented a challenge in respect of preventing forced marriage in Yemen.

46. Several States launched programmes aimed at ensuring that girls were able to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health. Several States, including Colombia, Costa Rica, Cuba and the Czech Republic, established programmes aimed at improving the sexual and reproductive health of adolescents. Cuba and the Czech Republic integrated sex education into the school curriculum in order to delay sexual activity and prevent unintended pregnancy. Colombia created the legislative basis for ensuring free access to health services for persons under age 18 and developed strategic partnerships, including with the World Health Organization (WHO), the United Nations Population Fund (UNFPA) and the Global Fund to Fight AIDS, Tuberculosis and Malaria, with the aim of decreasing the prevalence of early pregnancy. Costa Rica was developing an integrated plan on sexual and reproductive health.

47. Mauritania's National Strategy for the Promotion of Women (2005-2008) aimed to provide primary education for all girls and to improve the health of women and girls by enhancing access to health services and countering harmful practices. Within the framework of promoting gender equality, Turkey and Brazil established programmes to improve sexual and reproductive health and decrease maternal mortality. Noting the link between early marriage and forced marriage, Turkey has undertaken awareness-raising efforts for youth regarding sexual and reproductive health. As part of this strategy, 20 youth consultancy and health service centres have been established. Turkey's Ministry of Health and the Armed Forces Health Commandership, together with UNFPA, launched a programme in 2002 that resulted in the education of 2 million soldiers on gender equality and domestic violence, and on the problems that may result from early marriage, as well as on sexual and reproductive health, family planning and safe motherhood.

48. Laws and policies that target migrant populations have also resulted in the prevention of forced marriage in a number of States. Within the context of its national Integration Plan, Germany placed emphasis on greater prevention of, and improved protection against, forced marriage. The Government's efforts to educate youth with a migrant background on the issues of gender equality and sexual and reproductive health also addressed the question of forced marriage. Norway's 2006 Action Plan for Integration and Social Inclusion of the Immigrant Population also aimed at combating forced marriage. To that end, minority advisers have been

placed in secondary schools with a high proportion of students with a minority background. Integration attachés assisted relevant Norwegian embassies, and resources were provided to non-governmental organizations working to prevent forced marriages. Courts also played a role in addressing forced marriage: Sweden's Migration Court in 2006 granted refugee status to a 15-year-old girl who had left her country of origin to avoid a forced marriage.

49. In response to reported cases of trafficking in women for purposes of forced marriage, some States intensified their efforts aimed at addressing trafficking in women and girls and at including a focus on preventing and addressing forced marriage, including provision of services to victims. This was the case in the Czech Republic, where there had been two cases of trafficking for purposes of forced marriage. Canada's services for victims of trafficking, such as temporary residence permits and health care, may be available to victims of forced marriage.

50. States' efforts at preventing and addressing violence against women in all its forms have also resulted in greater awareness of the problem of forced marriage of the girl child. Ireland had committed to working to end the practice of forced marriage, even though forced marriage was not currently identified as a problem. Such efforts formed part of the work of that country's Office for the Prevention of Domestic Violence, in the Department of Justice, Equality and Law Reform, which dealt with all aspects of violence against women. Poland's national machinery for the advancement of women initiated activities to combat violence against girls, including workshops for police, media campaigns and conferences. Sweden launched a five-year programme in 2003 that aimed to combat violence and oppression in the name of honour. Most of the resources devoted to this programme had been allocated to County Administrative Boards in order to implement preventive measures, such as training for those who came into contact with young people at risk, and to implement the undertaking of educational campaigns. The strategy of Yemen to combat violence against women also encompassed the prevention of forced marriage.

4. Resources

51. Implementation of efforts to prevent forced marriage of the girl child and to provide services to victims benefited from different types of resources. A tenfold increase in funding geared towards gender equality would primarily be used for implementation of Sweden's action plan to combat violence against women. Several States including Canada, Ireland and Sweden supported initiatives through their development cooperation programmes to combat violence against women and harmful practices, such as forced marriage, and promoted women's empowerment in general. On the other hand, Yemen had insufficient resources to implement interventions to address cases of forced marriage.

C. Protection and support measures for victims of forced marriage

52. Protection and support measures are necessary for girls and young women who are, or may be at risk of becoming, victims of forced marriage. Germany's National Integration Plan of 2007 responded to the need for support services for female migrants that would enable them to escape violent relationships and assert their right to choose their partners freely. Germany's second Action Plan to Combat

Violence against Women was expected to include services for victims of forced marriage. Several States, including the Netherlands, the Philippines and Poland, provided services for victims of violence, such as emergency shelters and counselling services, that were also available to victims of forced marriage. The reintegration into society of women victims of violence, including victims of forced marriage or those at risk of becoming victims, was among the responsibilities of the 36 shelters in Turkey. They also provided psychological and social services, and programmes to secure employment for victims. While currently only one shelter existed for victims of violence, including victims of forced marriage, Yemen planned to open more shelters in the capital city. No centres currently existed in the country for filing complaints of forced marriage or for seeking protection.

D. Efforts to monitor progress in addressing forced marriage

53. Quantitative surveys on forced marriage are lacking,[31] and research on the question of forced marriage also remains limited. Such information would result in greater knowledge, and increased capacity of policymakers and other stakeholders to take effective action. While most States noted a lack of data on forced marriage of the girl child, a few States have undertaken to collect data about forced marriage. Germany was committed to improving empirical knowledge about the extent of forced marriage. Poland and Montenegro had registered cases of forced marriages arranged by families among the Roma community. While no statistics on forced marriage had been kept, the Philippines was aware of cases of kidnapping of indigenous girls for forced marriage in the country's Sulu region.

54. Several States, including Belgium, Canada, Croatia, the Philippines and Yemen, completed studies or held workshops to foster a better understanding of the scope, causes and forms of forced marriage. Belgium published a study on forced marriage and held a workshop in January 2005 that was attended by over 100 participants, including teachers, researchers and civil servants, in order to forge a coordinated response to forced marriage. Canada's Inter-Departmental Working Group on Trafficking in Persons was studying ways to address and prevent forced marriages, including any link between forced marriage and trafficking or forced labour. Croatia noted a link between early marriage of girls and criminal acts of forced labour, trafficking and slavery. The Philippines held a consultation workshop in January 2007 on the girl child with government agencies and non-governmental organizations which included discussion on forced marriage of the girl child and on possible interventions to eliminate the practice within the larger context of protecting and promoting the rights of girls. Yemen had completed a number of studies that illustrated the dangers of early marriage and its link to forced marriage.

III. Measures taken by entities of the United Nations system

55. As at 1 October 2007, nine entities of the United Nations system[32] had responded to a request for information on the implementation of Commission on the Status of Women resolution 51/3.

---

[31] See A/61/122/Add.1 and Corr.1, para 122.

[32] Economic and Social Commission for Asia and the Pacific (ESCAP), Economic and Social

56. A number of United Nations entities focused on the promotion and protection of the rights of girls. Through their mandated work, specifically in the areas of health, education and poverty reduction, they contributed directly or indirectly to the prevention of forced marriage of the girl child. Such efforts also contributed to the achievement of the Millennium Development Goals.

57. For example, the efforts of the United Nations Children's Fund (UNICEF), the World Bank and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the field of education contributed to the delaying of marriage by girls and young women, thereby enhancing their capacity to claim their rights, and to poverty reduction. The United Nations Population Fund (UNFPA) and UNICEF worked to ensure provision of a range of social services, including literacy and life skills-based education and reproductive health education, as part of their efforts to reach marginalized adolescent girls, especially those at risk for early marriage. The Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization (WHO) had taken steps that increased access to the highest attainable standard of health for women and girls. WHO activities on reproductive health and its efforts to mainstream gender perspectives in health programmes included endeavours to address the health implications of forced and early marriage. A focus on preventing child marriage, including enforcement of laws against child marriage, was a necessary policy action in the efforts of UNAIDS to reduce HIV infection among girls and young women. The protection of persons falling within the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) required that Office to identify and subsequently reduce the risks that exposed refugees to sexual and gender-based violence, including early and forced marriage.

58. In response to Commission on the Status of Women resolution 51/3, United Nations entities undertook a number of targeted efforts to address forced marriage of the girl child. For example, the Centre for Women of the Economic and Social Commission for Western Asia (ESCWA) held workshops and released publications that aim to facilitate the adoption of laws requiring a minimum age for marriage and the consent of both spouses. The work of UNFPA with parliamentarians was instrumental in effecting the enactment of laws against child marriage and in increasing the minimum age of marriage in a number of countries, including Bangladesh, where UNFPA together with the United Nations Development Fund for Women (UNIFEM) produced recommendations for strengthening the Child Marriage Restraint Act. UNICEF advocated for the adoption and subsequently supported the implementation of a 2007 law in Madagascar that raised the age of marriage to 18 years from 14 for girls and from 17 for boys. UNICEF also supported the adoption of a 2006 law in India that banned child marriage and provided for the intervention of the courts to prevent child marriages. WHO was developing a tool to assist countries in reviewing and amending laws and policies to ensure that they were in line with human rights standards on issues such as the minimum legal age of marriage, the free and full consent to marriage and birth registration.

Commission for Western Asia (ESCWA), United Nations Children's Fund (UNICEF), United Nations Population Fund (UNFPA), Office of the United Nations High Commissioner for Refugees (UNHCR), Joint United Nations Programme on HIV/AIDS (UNAIDS), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO) and World Bank.

59. Support provided by UNICEF, UNHCR and WHO resulted in greater registration of births and marriages. Based on its policy of encouraging the official registration of all births in refugee situations, UNHCR facilitated birth registration in several countries; in 2006, the office issued birth certificates to 36 per cent of newborn children in refugee camps and to 68 per cent in urban situations. Over half of UNICEF country offices engaged in activities in support of birth registration, including research on birth registration, training of registrars, legislative reform to ensure that registration was free and concluded immediately following a birth, adoption of national plans to target excluded populations, and awareness-raising at the grass-roots, local and national levels. WHO worked closely with Ministries of Health to improve the collection of a range of vital statistics, including the registration of births.

60. United Nations entities also contributed to the prevention of forced marriage. Through its focus on the economic empowerment of women, the World Bank set out to change the conditions that tended to be conducive to forced marriage, such as women's poverty and lack of bargaining power. Prevention of girl-child marriages was a central focus of rural poverty reduction projects in the South Asia region, based on women's self-help groups. The advocacy work of Self Help Groups, constituting the dominant form of microfinance in India, centred on the prevention of child marriages and trafficking. Together with the local government and police, these groups launched campaigns at the time of festivals where mass marriages took place. One of those campaigns in 2006 stopped nearly 3,000 marriages. One Self Help Group in Bihar, India, planned to implement policies targeting forced marriage.

61. As part of its awareness-raising and community educational programmes, UNHCR supported or implemented sensitization workshops on abuse directed against children, including peer workshops. Some of these resulted in greater capacity of girls and boys to prevent sexual and gender-based violence, including early/forced marriage, and led to the creation of youth centres. The efforts of UNHCR also resulted in greater security for girls during travel to and from school as well as the collection of firewood and water, and reduced the risk of girls being raped and/or abducted for forced marriage. UNHCR offices also intervened in individual cases where girls at risk of forced marriage sought protection.

62. WHO and ESCWA provided training and capacity-building opportunities for a range of stakeholders, including legislators and providers of services to victims of violence. ESCWA planned to address forced marriage as part of its work on violence against women, including capacity-building efforts to expand availability of shelters, counselling and other services needed for the rehabilitation and reintegration of victims of violence against women, including forced marriage.

63. As part of their efforts to improve programming for girls, several United Nations entities conducted research and collected data on the forms and contexts of marriage of the girl child. UNFPA supported diagnostic research in Rajasthan, India, the State with the highest rate of child marriage, designed to identify opportunities and strategies for delaying marriage of girls and supporting girls who were already married. In order to harmonize and improve existing reporting and monitoring mechanisms, UNHCR has been working to develop a sexual and gender-based violence data analysis and sharing tool for local programming which would enable countries to monitor forced marriages of the girl child. The UNICEF publication

entitled *Early Marriage: A Harmful Traditional Practice: A Statistical Exploration*[33] included an analysis of the effects and life-cycle characteristics of child marriage. In 2007, the World Bank published a policy research paper entitled "*Watta satta*: bride exchange and women's welfare in rural Pakistan"[34] which examined in detail the marriage custom of *watta satta*, a practice of bride exchange between families, and its implications. An expert group meeting convened by the Economic and Social Commission for Asia and the Pacific (ESCAP) in follow-up to the Secretary-General's study on violence against women, in April 2007, highlighted forced and early marriage of the girl child as constituting undocumented forms of violence against women in the region and recommended that priority action be taken on that issue.

IV. Conclusions and recommendations

64. **Member States, United Nations entities and other stakeholders are addressing the question of forced marriage within the context of the elimination of all forms of violence against women and girls, with a focus on prevention and provision of services and support to victims and to those at risk of becoming victims.**

65. **In compliance with international human rights instruments, in many States marriage may be entered into only with the free and full consent of the intending spouses. Many States also have in place a minimum age of marriage, whereas many also provide for exceptions to such laws. Procedures pertaining to birth and marriage registration, and to the conclusion of marriage, support enforcement of such laws. While some States have specific provisions in their criminal codes, in other States, cases of forced marriage can be prosecuted through other provisions.**

66. **Legislation is complemented by prevention measures, including advocacy and awareness-raising efforts, as well as capacity-building for health and social service providers, and other government officials. Prevention also forms part of policies and strategies in the area of education, health, prevention of trafficking, and migration, as well as of initiatives to eliminate all forms of violence against women. Support services for girls and young women who are, or have the potential to become, victims of forced marriage include shelters and psychological and social services.**

67. **Challenges in addressing the persistence of forced marriage include limited compliance with legislation, insufficient resources for adequate monitoring and enforcement of laws and procedures, and lack of knowledge about the scope and prevalence of this phenomenon.**

68. **States may wish to ensure that legislation is in place that sets the minimum age of marriage for girls and boys at 18 years, and requires that marriage be entered into only with the free and full consent of the intending spouses. Consideration should be given to enacting a specific provision in the penal code**

[33] New York, UNICEF, April 2005.

[34] Hanan G. Jacoby and Ghazala Mansuri, "*Watta satta*: bride exchange and women's welfare in rural Pakistan", World Bank Policy Research Working Paper, No. 4126 (Washington, D.C., World Bank, February 2007).

on forced marriage, with adequate penalties. States may further wish to ensure consistent implementation of such legislation, including through adequate monitoring, and put in place comprehensive and compulsory systems of registration of births and marriages.

69. **It is recommended that States put in place comprehensive strategies aimed at changing discriminatory social and cultural patterns of conduct and creating an enabling and supportive environment for girls and young women within which they may exercise their human rights. It is also recommended that States ensure that there is awareness among the general public at all levels of society, and especially among girls and young women, of their rights in regard to marriage, and ensure that they have the capacity to claim these rights. It is further recommended that States strongly discourage marriage below the legal age, and emphasize the negative effects of harmful practices, including forced marriage; and increase quality educational and livelihood opportunities for girls and young women.**

70. **States may wish to strengthen training and capacity-building measures for government officials, including law enforcement agents, judges, marriage and birth registrars and social workers, as well as community leaders and other professionals likely to come into contact with victims of forced marriage, so as to sensitize them to the issue and specifically to that of the minimum age of marriage. They may wish to put in place effective measures of protection and support for victims of forced marriage, including access to safe shelters, counselling, comprehensive information and education, legal aid, and rehabilitation and reintegration into society of victims of such marriages. They may further wish to provide effective access to justice for victims of forced marriage.**

71. **Greater attention should be given to ensuring reintegration, after armed conflicts, of the girl child, in particular girls who have been subjected to forced marriage and sexual exploitation in this context.**

72. **Attention should also be given to enhancing the knowledge base on forced marriage, including its scope, prevalence and causes and consequences, as well as promising practices for preventing such marriages. Of particular importance is the need to study and address the links between the persistence of forced marriage and sustainable development, including the achievement of the Millennium Development Goals.**

73. **States that have not yet done so should be encouraged to ratify international instruments that protect the rights of women and girls, particularly the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Special procedures reporting to the Human Rights Council, including the Special Rapporteurs on violence against women, its causes and consequences, and on the human rights aspects of the victims of trafficking in persons, especially women and children, as well as all human rights treaty bodies, should be encouraged to pay particular attention to the issue of forced marriage of the girl child.**